

The City of Klamath Falls, Oregon, a municipal corporation (City) and Union Oil Company of California (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, its successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the Market Street right-of-way in the City of Klamath Falls at 1459 South 6th Street, Klamath Falls, Oregon (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of completing one soil boring and installing a monitoring well in the boring and is subject to the following conditions:

- 1) Grantee shall comply with all relevant local, state and federal regulations pertaining to Grantee's use of the area, including but not limited to, City Planning and building regulations; and
- 2) Grantee shall submit the as-built construction plans to the City's Public Works Department and shall conform to any modifications or restrictions imposed by the Department.
- 3) Grantee will cover the monitoring well with a flush-grade, traffic-rated metal surface monument set in concrete.
- 4) Grantee acknowledges that in the event City overlays or reconstructs Market Street, all expenses associated with coordinating the monitoring well with City's overlay or reconstruction will be borne by Grantee.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of Fifty Dollars (\$50.00), receipt of which is hereby acknowledged by City.

Grantee shall save and hold harmless the City from, and indemnify the City against, any and all liability for or on account of any death or injury to persons, or damage to property incurred in any manner whatsoever growing out of Grantee's use or the public's loss of the privileges herein granted.

This agreement shall run from year to year unless terminated. It may be terminated upon sixty (60) days written notice by either party. Upon termination, Grantee shall remove all structures herein authorized and restore the public right-of-way in accordance with the directions of the City's Director of Public Works within sixty (60) days.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 29 day of October, 1997.

CITY OF KLAMATH FALLS

GRANTEE UNION OIL COMPANY OF CALIFORNIA

By: James R. Keller

City Manager

By: Rigg W. Eckert

Rigg W. Eckert

Attest: Elisa D. Fritz

City Recorder

Attest: \_\_\_\_\_

STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

On the 24 day of November, 1997, personally appeared James R. Keller and Elisa D. Fritz, who, each being first duly sworn, did say that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



SHIRLEY F. KAPPAS  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 303381  
MY COMMISSION EXPIRES SEPT. 10, 2001

Shirley F. Kappas  
Notary Public for Oregon

STATE OF WA } ss.  
COUNTY OF Snohomish }

On the 24 day of October, 1997, personally appeared Rigg Eckert acting as agent on behalf of Union Oil Company of California and acknowledged said instrument to be his/her voluntary act and deed.

BEFORE ME:



Shirley F. Kappas  
Notary Public for Washington  
My Commission Expires: 03-24-01

AFTER RECORDING RETURN TO:  
City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

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EXPLANATION:

- MW-27 O PLANNED MONITORING WELL
- MANHOLE
- UTILITY POLE
- CATCH BASIN

- U.S. WEST COMMUNICATIONS
- UNDERGROUND UTILITY

Notes:  
1. See Figure 1 for location of features.  
2. The locations of all features shown are approximate.

Geo Engineers

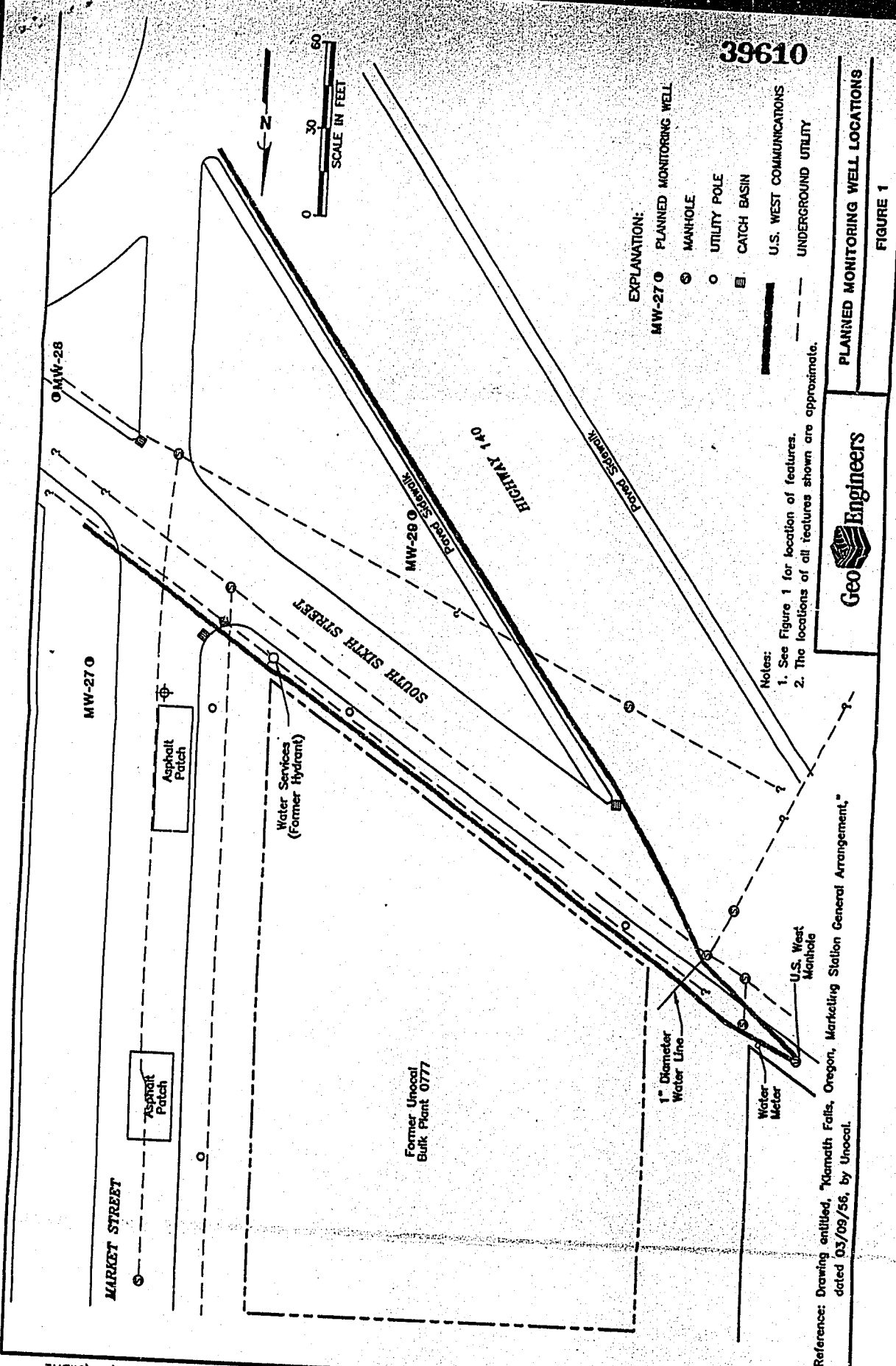
PLANNED MONITORING WELL LOCATIONS

FIGURE 1

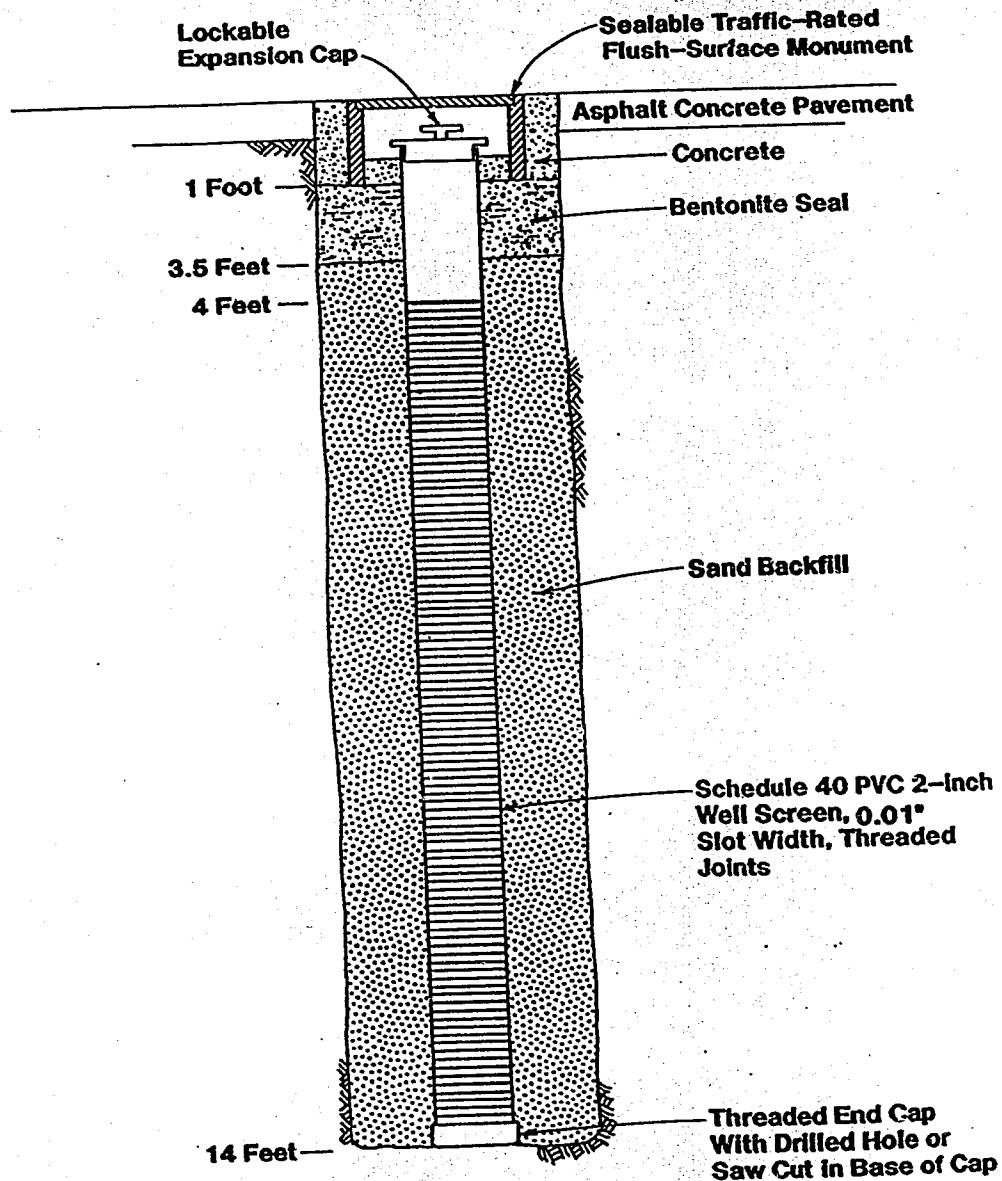
Reference: Drawing entitled, "Klamath Falls, Oregon, Marketing Station General Arrangement," dated 03/09/56, by Unocal.

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0161-249-02 KRS:GRH 01/06/97 REV. 06/03/97



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Geo  Engineers

**SCHEMATIC OF PROPOSED  
MONITORING WELL CONSTRUCTION**

**FIGURE 2**

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City Recorder the 5th day  
of December A.D., 19 97 at 9:50 o'clock A. M., and duly recorded in Vol. M97,  
of Deeds on Page 39609.

FEE \$20.00

By Bernetha G. Letsch, County Clerk  
Kathleen Rosa

0161-249-00 KRS:WEB 07/24/87