

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

City hereby gives and grants to Grantee, her successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of Crescent Avenue and Johnson Avenue rights-of-way in the City of Klamath Falls at 1911 Johnson Avenue (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of irrigation, landscaping and placing a concrete planter edge 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 obtain an excavation permit from the City's Public Works Department and submit the as-built construction plans to the Public Works Department and shall conform to any modifications or restrictions imposed by the Department.

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 26 day of August, 1997.

CITY OF KLAMATH FALLS

GRANTEE

By:

James R. Keller
City Manager

Zelma Haugen

Attest:

Elisa D. Fritz
City Recorder

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 26th day of August, 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:

Aimee R. Damron
Notary Public for Oregon

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 26th day of AUGUST, 1997, personally appeared ZELMA HAUGEN and acknowledged said instrument to be his/her/their voluntary act and deed.

BEFORE ME:

Maryann Young
Notary Public for Oregon
My Commission Expires: 11-11-2000

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

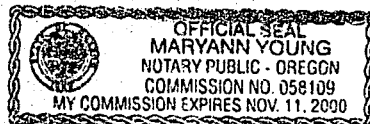


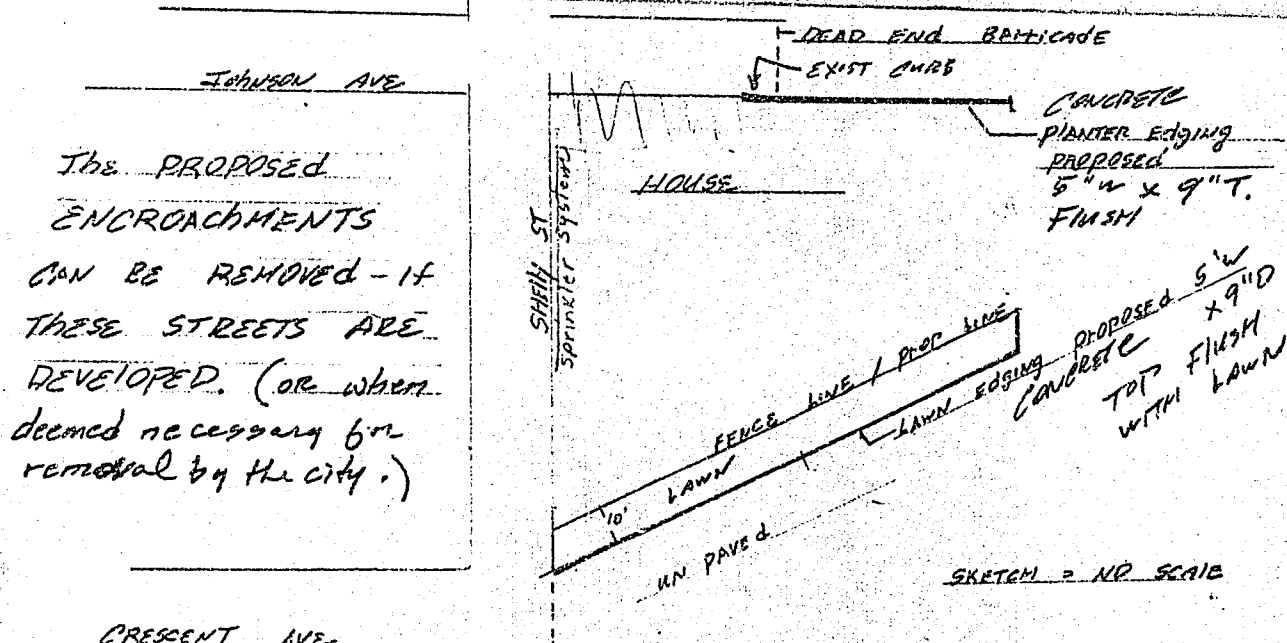
Exhibit A

1061

ENCROACHMENT PERMIT APPLICATION
 (\$50.00 Permit Fee/Refundable If Application Is Denied)

DATE: 14 Aug 97NAME: Zelma Haugen PHONE: 541-884-7874ADDRESS: 1911 Johnson AveLOCATION OF PROPOSED ENCROACHMENT: unpaved Crescent Ave
and on unpaved Johnson AveARE YOU THE PROPERTY OWNER? Yes

SKETCH SHOWING LOCATION OF ENCROACHMENT:

\$50.00 PERMIT FEE PAID: ☒ DATE: 8-14-97APPROVED: T. DeL Santo DATE: 8-15-97

DENIED: _____ DATE: _____

RESTRICTIONS: Permit shall be required since the curbing is not a city standard. Contractor/owner apply to public works for an excavation permit. The city is not responsible for maintenance of the curbing. The city may remove the barrier curbing at its convenience.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ City Recorder _____ the 13th day
 of January A.D., 19 98 at 2:53 o'clock P M., and duly recorded in Vol. M98
 of _____ Deeds _____ on Page 1060

FEE \$15.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross