

ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Leo and Arlene Bocchi (Grantees) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantees, their heirs successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the Erie Street right-of-way in the City of Klamath Falls at Lots 13 & 14, Block 46, Hot Springs Addition (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of constructing a retaining wall and is subject to the following conditions:

- 1) Grantees shall comply with all relevant local, state and federal regulations pertaining to Grantees' use of the area, including but not limited to, City Planning and building regulations; and
- 2) Grantees 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) Grantees shall call for a KUCC utility locate prior to starting construction and in no event shall the retaining wall or any portion thereof be placed over the City's water line.
- 4) In the event drainage from Grantees' property onto Erie Street, or streets below Erie, causes a traffic or pedestrian safety problem in the future, Grantees shall immediately take the necessary steps to correct the problem.

Incidental to this encroachment permit, Grantees may pave the right-of-way area remaining between the paved street way and their new retaining wall.

Grantees agree 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.

Grantees 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 Grantees' 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, Grantees 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 3 day of March, 1998.

CITY OF KLAMATH FALLS

GRANTEES

By:

City Manager

Leo Bocchi

Attest:

City Recorder

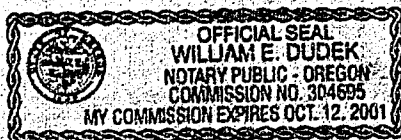
Arlene Bocchi

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 3 day of MARCH, 1998, 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:

William E. Dudek
Notary Public for Oregon



98 MAR 27 P2:33

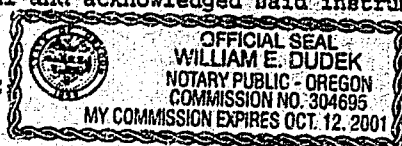
29

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

9990

On the 3 day of March, 1998, personally appeared
Leo Bocchi and acknowledged said instrument to be his voluntary act and deed.

BEFORE ME:

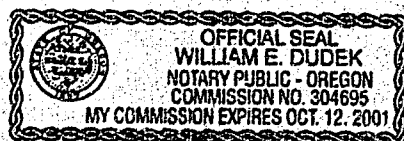


William E. Dudek
Notary Public for Oregon
My Commission Expires: Oct 12, 2001

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 3 day of March, 1998, personally appeared
Arlene Bocchi and acknowledged said instrument to be her voluntary act and deed.

BEFORE ME:



William E. Dudek
Notary Public for Oregon
My Commission Expires: Oct 12, 2001

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

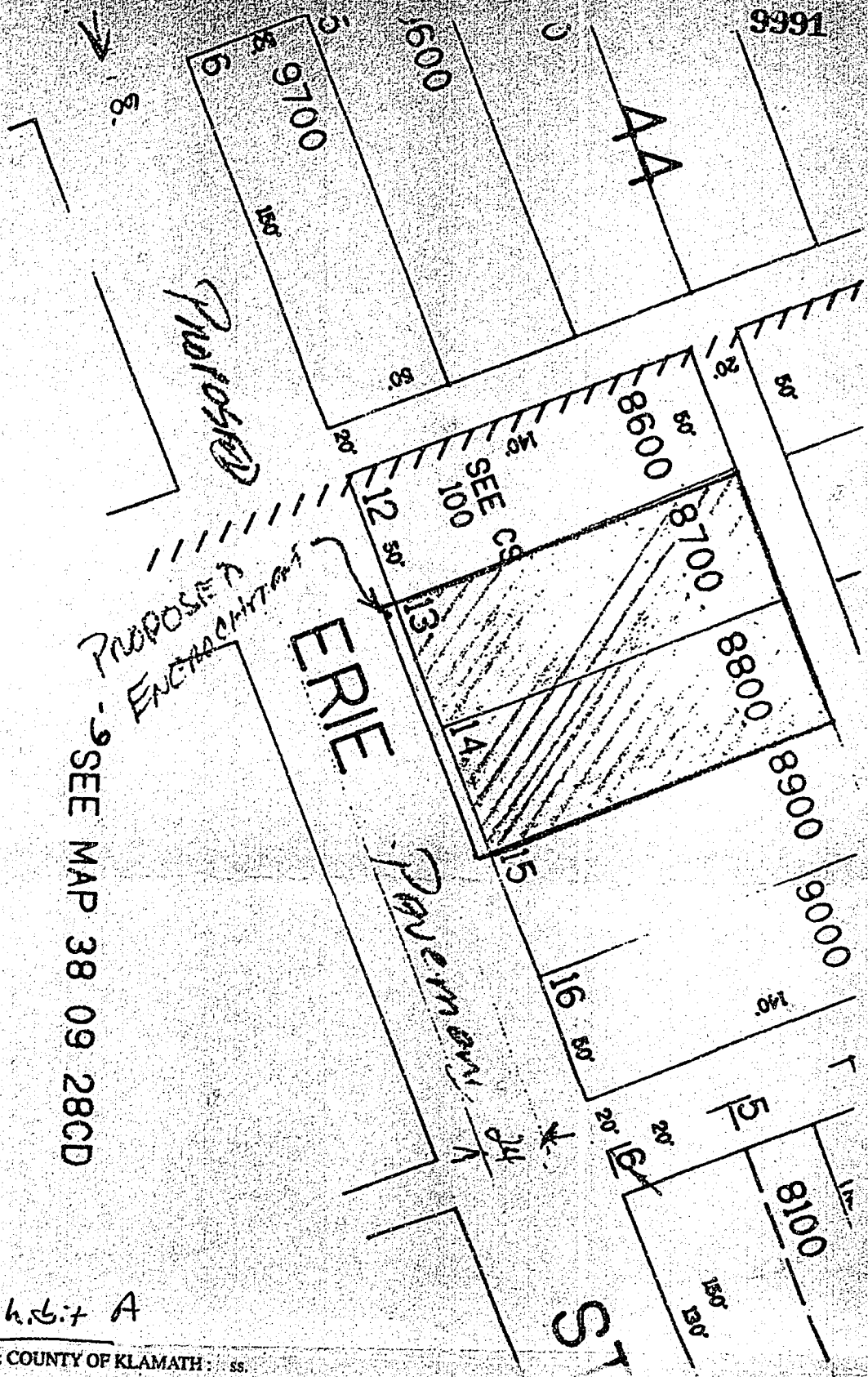


Exhibit A

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
 of March A.D., 19 98 at 2:33 o'clock P M., and duly recorded in Vol. M98 day
 of _____ Deeds on Page 9989

FEE \$20.00

Bernetha G. Leisch, County Clerk
 By Kathleen Ross