

## STREET IMPROVEMENT NON-REMONSTRANCE AGREEMENT

This Agreement is made by and between East Cascade Properties, Inc. ("Owner") and the City of Klamath Falls, Oregon ("City").

WHEREAS, Owner does own the following described property:

Lots 10 & 11, Block 1 and Lots 1, 2, 3 & 4, Block 2, Shadow Hills Tract 1031 according to the official plat thereof on file in the records of Klamath County, Oregon (the "Property")

which Property is located on Summers Lane in the City of Klamath Falls, Oregon; and

WHEREAS, Owner desires to begin to sell and develop said Property without prior development of the adjoining street to full City standards; and

WHEREAS, there are intervening undeveloped portions of Summers Lane and City deems it more appropriate to develop the entire stretch at one time through a local improvement district; NOW THEREFORE

## THE PARTIES HERETO AGREE AS FOLLOWS:

- 1) City shall permit Owner to develop the Property without completing Summers Lane street construction to City standards at this time provided Owner does provide rock and compact the access.
- 2) Owner agrees to participation in and waives his right as Property Owner to remonstrate against the formation by City of a local improvement district created for the purpose of improving Summers Lane to City standards in the future.
- 3) City agrees to initiate an appropriate LID for this portion of Summers Lane within 5 years of the date hereof.
- 4) This agreement shall run with the land and be binding upon future owners of the Property or of any individual lot therein.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed the dates below written.

EAST CASCADE PROPERTIES, INC.

By: *Duane Smith*  
Duane Smith, President

CITY OF KLAMATH FALLS

By: *James R. Kelle*  
City Manager

ATTEST: *Gary Jantzen*  
Gary Jantzen, Secretary

ATTEST: *E. Wood*  
City Recorder

ok  
15-

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss.

On the 11th day of June, 1998, personally appeared the above-named Duane Smith and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME:

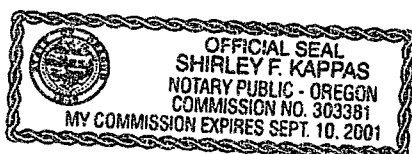


Shirley F. Kappas  
Notary Public for Oregon  
My Commission Expires: 9-10-01

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss.

On the 15th day of June, 1998, personally appeared James R. Keller and Elisa D. Olson 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 for Oregon  
My Commission Expires: 9-10-01

AFTER RECORDING RETURN TO:  
City Recorder  
P. O. Box 237  
Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 29th day  
of June A.D., 19 98 at 3:15 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 22838

FEE \$15.00

Return: City of KF  
P.O. Box 237  
KFO 97601

By Kathleen Ross  
Bernetha G. Letsch, County Clerk