

## ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City), and Rob Bogatay, Lake Park Towers (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 Main Street right-of-way in the City of Klamath Falls at 203 Main Street (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of installing a sewer line clean out 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 construct and maintain the clean out in a manner which will not interfere with vehicular or pedestrian traffic.
- 3) 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.

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 11 day of December 1998.

CITY OF KLAMATH FALLS

LAKE PARK TOWERS

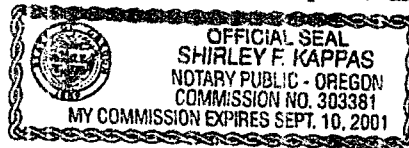
BY: James R. Keller  
City ManagerRob Bogatay  
Rob BogatayAttest: Elisa D. Olson  
City RecorderSTATE OF OREGON }  
COUNTY OF KLAMATH } ss.

On the 11th day of December, 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

47692

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

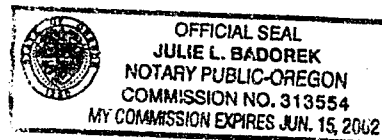
STATE OF OREGON }  
COUNTY OF KLAMATH } ss.

On the 8<sup>TH</sup> day of December, 1998, personally appeared Robert J. Bogatay acting as Owner for Lake Park Towers and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

*Julie L. Badorek*  
Notary Public for OREGON  
My Commission Expires: 6-15-2002

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



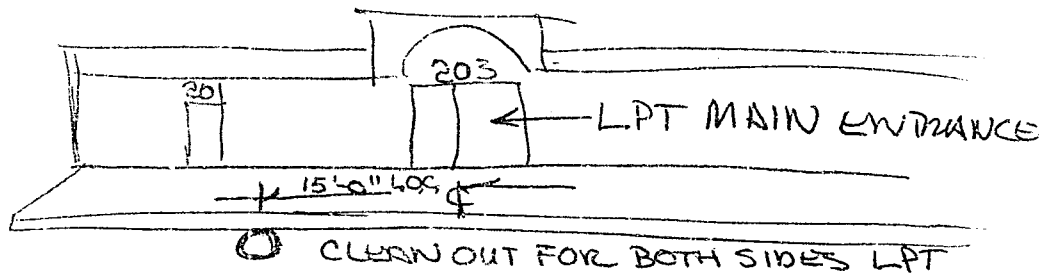


## ENCROACHMENT PERMIT APPLICATION

47693

DATE: 11/18/98NAME: LAKE PARK TOWERS PHONE: 882-5370ADDRESS: 203 MAIN STREETLOCATION OF PROPOSED ENCROACHMENT: BETWEEN 201  
& 203 MAIN STREET NORTH SIDEARE YOU THE PROPERTY OWNER? YES

SKETCH SHOWING LOCATION OF ENCROACHMENT:

\$50.00 PERMIT FEE PAID: ☒ DATE: 11-18-98APPROVED: T. Del Santo DATE: 11-19-98

DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_

RESTRICTIONS: the clean out shall not  
interfere with pedestrian traffic,  
vehicular traffic or existing traffic.  
this permit is revocable at any time  
in the future by the city of Klamath Falls.

JD

Exhibit A

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 29th day  
of December A.D., 19 98 at 3:43 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 47691.

FEE \$20.00

By Bernetha G. Letsch, County Clerk  
Kathleen Ross