

NON-REMONSTRANCE AGREEMENT

This agreement is entered into this 19th day of May 1999 by and between the City of Klamath Falls and Gary R. Penny, Owner.

WHEREAS, Owner is the owner of the following described property:

Map and Tax Lot Number 3809-29AC-1200 and 1300, 1936 Lancaster Avenue,
Lots 1, 2, and 3, Block 22 of the Klamath Falls Second Addition ("Property"); and

WHEREAS, Owner desires to develop the Property with an addition to a single family residence and carport;
and

WHEREAS, this development requires the following improvements:

The driveway must be paved with asphalt or concrete prior to occupancy of the addition, and the property owner shall request tax lots 1200 and 1300 to be consolidated through the County Tax Assessor; and

WHEREAS, this development will contribute to the need for, as well as benefit from, the following improvements:

Construction, to City design standards, of sidewalks along Lancaster Avenue and Prescott Street; and

WHEREAS, a condition of the Owner's land use approval from the City for development of the Property is agreement to participate in the cost of said future improvements;

NOW THEREFORE,

THE PARTIES HERETO AGREE AS FOLLOWS:

1. In the event the City initiates the formation of a Local Improvement District (LID) for the funding and construction of the improvements designated above, Owner agrees to not remonstrate against the formation of such LID.
2. The City agrees that a LID assessment levied against Owner's property shall not exceed the benefit conferred upon the property.
3. This agreement shall run with the Property and shall bind and inure to Owner's successors in interest.

CITY OF KLAMATH FALLS

By: *Sandra Zaida* SANDRA ZAIDAAttest: *Joyce Kulany*Dated: 19 MAY 99

OWNER

*Gary R. Penny*Dated: 5-19-99

After Recording Return to:

City Planning Department
226 South 5th Street
Klamath Falls OR 97601

State of Oregon, County of Klamath
Recorded 5/21/99, at 11:29 a.m.
In Vol. M99 Page 20284
Linda Smith, County Clerk
Fee \$ 10 -

Linda Smith

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