

ENCROACHMENT PERMIT

Vol. M99 Page 21585

The City of Klamath Falls, Oregon, a municipal corporation (City) and Kathy Shaw, 805 Pacific Terrace Klamath Falls, Oregon (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, her 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 alleyway located in Block 48, Hot Springs Addition to the city of Klamath Falls to the rear of 805 Pacific Terrace (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of laying an underground electrical utility line 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 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) Grantee shall contact KUCC for locates prior to construction.

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 3rd day of May, 1999.

CITY OF KLAMATH FALLS

GRANTEE

By: James R. Keller
City Manager

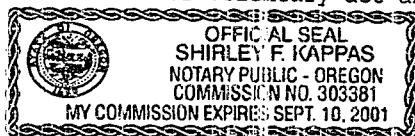
Kathy Shaw
Kathy Shaw

Attest: Elisa D. Olson
City Recorder

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 12th day of May, 1999, 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

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 3rd day of May, 1999, personally appeared Kathy Shaw and acknowledged said instrument to be her voluntary act and deed.

BEFORE ME:

Donald A. Isensee
Notary Public for Oregon
My Commission Expires: 5-3-99

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

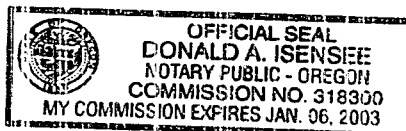
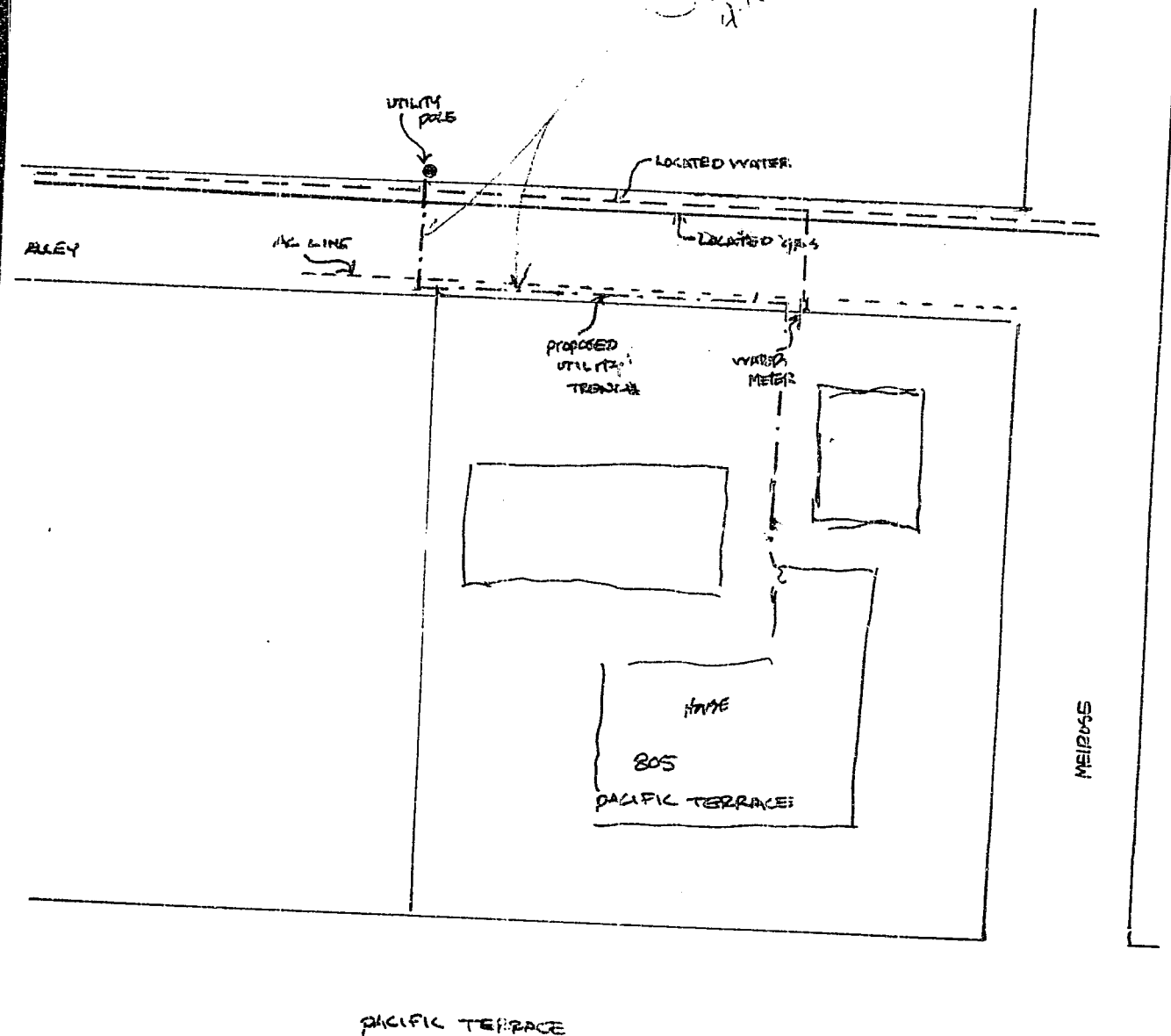


Exhibit A

21586

JE
4-12-99



State of Oregon, County of Klamath
Recorded 6/01/99, at 3:50 p.m.
In Vol. M99 Page 21585
Linda Smith, County Clerk
Fee \$ 15
Linda Smith