

## ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Rhonda Kennedy, 3225½ Butte Street, 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 Butte Street right-of-way in the City of Klamath Falls at 3225½ Butte Street, Lot 3, Block 14, Stewart Addition, as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of constructing a hand rail 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) The hand rail post nearest to the street shall be constructed as a break-away post.

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 20 day of August, 1999.

CITY OF KLAMATH FALLS

GRANTEE

By:

James R. Keller  
City Manager

Rhonda Kennedy  
Rhonda Kennedy

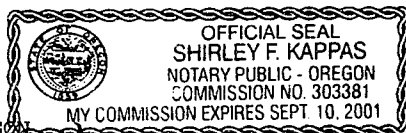
Attest:

Elisa D. Olson  
City Recorder

STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

On the 20th day of August, 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:



STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

Shirley F. Kappas  
Notary Public for Oregon

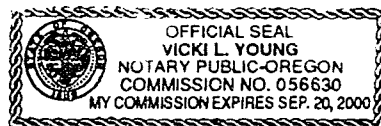
On the 14 day of August, 1999, personally appeared Rhonda Kennedy and acknowledged said instrument to be her voluntary act and deed.

BEFORE ME:

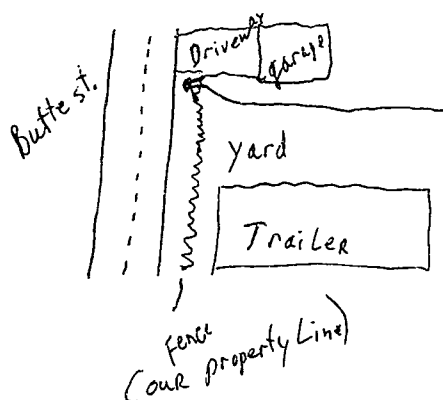
Vicki L. Young  
Notary Public for Oregon  
My Commission Expires: 9-20-2000

AFTER RECORDING RETURN TO:

✓ City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601



Lot 3, Blk 14 Stewart Add.



would Like to put a hand Rail up  
So my Aunt who is handicaped  
could walk up to Top of street to  
get her mail & paper.  
(approx. 10 to 15 ft)

State of Oregon, County of Klamath  
Recorded 9/17/99, at 10:15 a.m.  
In Vol. M99 Page 37101  
Linda Smith.  
County Clerk Fee \$ 15<sup>00</sup>