

NON-REMONSTRANCE AGREEMENT

This agreement is entered into this 22 day of September, 1999 by and between the City of Klamath Falls and Jack Markgraf, Owner.

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

Map and Tax Lot Number ³¹⁰⁹~~3809~~-04DD-1600, 2960 Maywood Drive,
Lot 5, Block 4 of the Washburn Park First Addition ("Property"); and

WHEREAS, Owner desires to develop the Property with a 20,000 square foot structure; and

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

Construction, to City design standards, of curbs, gutters and sidewalks along Maywood Drive; 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: *[Signature]* SANDRA ZAIDA

Attest: *[Signature]*

Dated: 22 SEPTEMBER 99

OWNER

[Signature] Jack Markgraf

Dated: 9/22/99

After Recording Return to:

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

State of Oregon, County of Klamath
Recorded 9/23/99, at 12:00 P m.
In Vol. M99 Page 37847
Linda Smith,
County Clerk Fee\$ 10.00