

## ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Eugene French (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, his 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 Butte Street right-of-way in the City of Klamath Falls at 3800 Butte Street (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of installing a private sanitary sewer service line down Butte Street and is subject to the following conditions:

- 1) Grantee must 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 must submit the as-built construction plans to the City's Public Works Department and must conform to any modifications or restrictions imposed by the Department.
- 3) Grantee must maintain the service line to the manhole point of connection, must pay the required City Systems Development Charge, comply with City's connection standards and may not connect more than the one residential unit to the service line without City's prior written authorization and in compliance with City's duly adopted rules and regulations.

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 must 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 will run from year to year unless terminated. It may be terminated upon sixty (60) days written notice by either party. Upon termination, Grantee must 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 21 day of Sept., 1999.

CITY OF KLAMATH FALLS

GRANTEE

By:

James R. Keller  
City Manager

Eugene French  
Eugene French

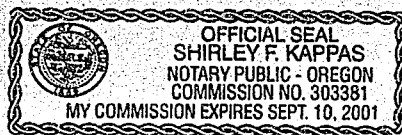
Attest:

Elisa Olson  
City Recorder

STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

On the 21st day of September, 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:

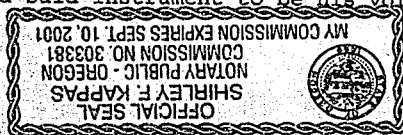


Shirley F. Kappas  
Notary Public for Oregon

STATE OF OREGON } ss.  
COUNTY OF KLAMATH }

On the 21st day of September, 1999, personally appeared Eugene French and acknowledged said instrument to be his voluntary act and deed.

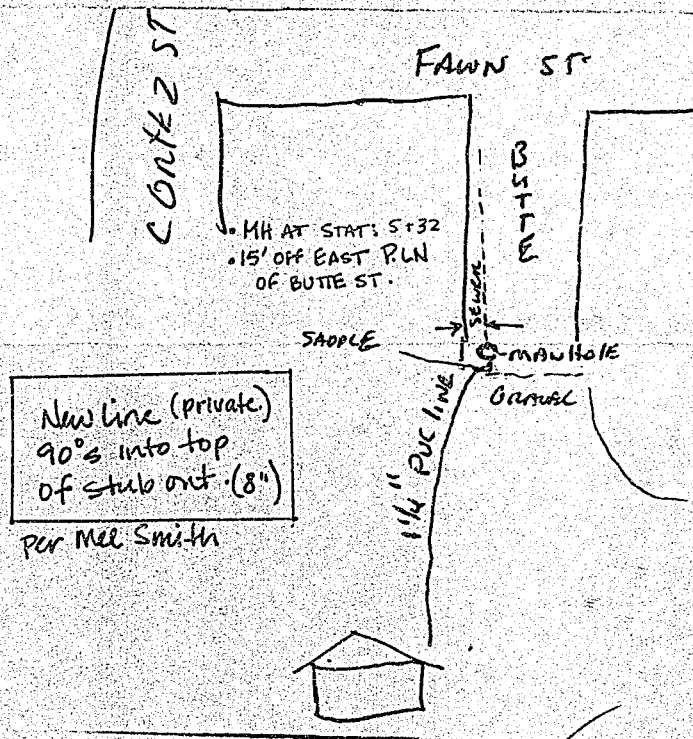
BEFORE ME:



Shirley F. Kappas  
Notary Public for OR  
My Commission Expires: 9-10-01

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

EXHIBIT "A"



Private Connection:  
15 Ft. East of West R.O.W.  
Line of Butte St.  
4 Ft. No. of South  
Termination of  
Butte St.

Jebb Ball

Please include location  
of 1 1/4" Service  
in Permit.  
Tom

State of Oregon, County of Klamath  
Recorded 10/15/99, at 8:25 a.m.  
In Vol. M99 Page 40974  
Linda Smith,  
County Clerk Fee\$ 1500