

**NON-REMONSTRANCE AGREEMENT**

This Agreement is entered into this 4th day of October, 1999, by and between the City of Klamath Falls, and Monti's Construction, Inc., 1504 Oregon Avenue, Klamath Falls, OR 97601, Owner.

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

**302 and 304 Old Fort Road  
Lot 4, Block 2, Supplementary Plat to the Dixon Addition  
Klamath Falls, Oregon 97601**

(the "Property"); and

WHEREAS, Owner desires to develop the Property, which development will contribute to the need for, as well as benefit from the following improvements:

**A sidewalk meeting the City of Klamath Falls Design Standards along  
Old Fort Road as it abuts the subject property.**

and

WHEREAS, a condition of the Owner's land use approval from 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 City initiates 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) 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 insure to Owner's successors in interest.

**CITY OF KLAMATH FALLS**

By: 

Attest: 

Dated: 10.4.99

**OWNER**



Dated: 10/4/99

State of Oregon, County of Klamath  
Recorded 10/15/99, at 11:01 a.m.  
In Vol. M99 Page 40999  
Linda Smith,  
County Clerk Fee \$ 10<sup>00</sup>