

1999 DEC 16 AM 10:20
ENCROACHMENT PERMIT

C: Applicant
Eng

Vol M99 Page 49385

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

City hereby gives and grants to Grantee, his successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the Hillside right-of-way in the City of Klamath Falls at 704 Hillside Avenue (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of extending a geothermal 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.

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 15 day of October, 1999.

CITY OF KLAMATH FALLS

By:

James R. Keller
City Manager

GRANTEE

Art Knight
Art Knight

Attest: Elisa D. Olson
City Recorder

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 15th day of October, 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:

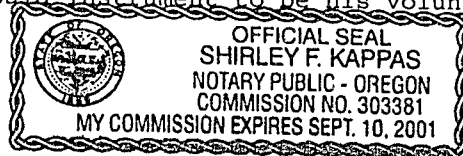


STATE OF OREGON }
COUNTY OF KLAMATH } ss.

Shirley F. Kappas
Notary Public for Oregon

On the 15th day of October, 1999, personally appeared Art Knight and acknowledged said instrument to be his voluntary act and deed.

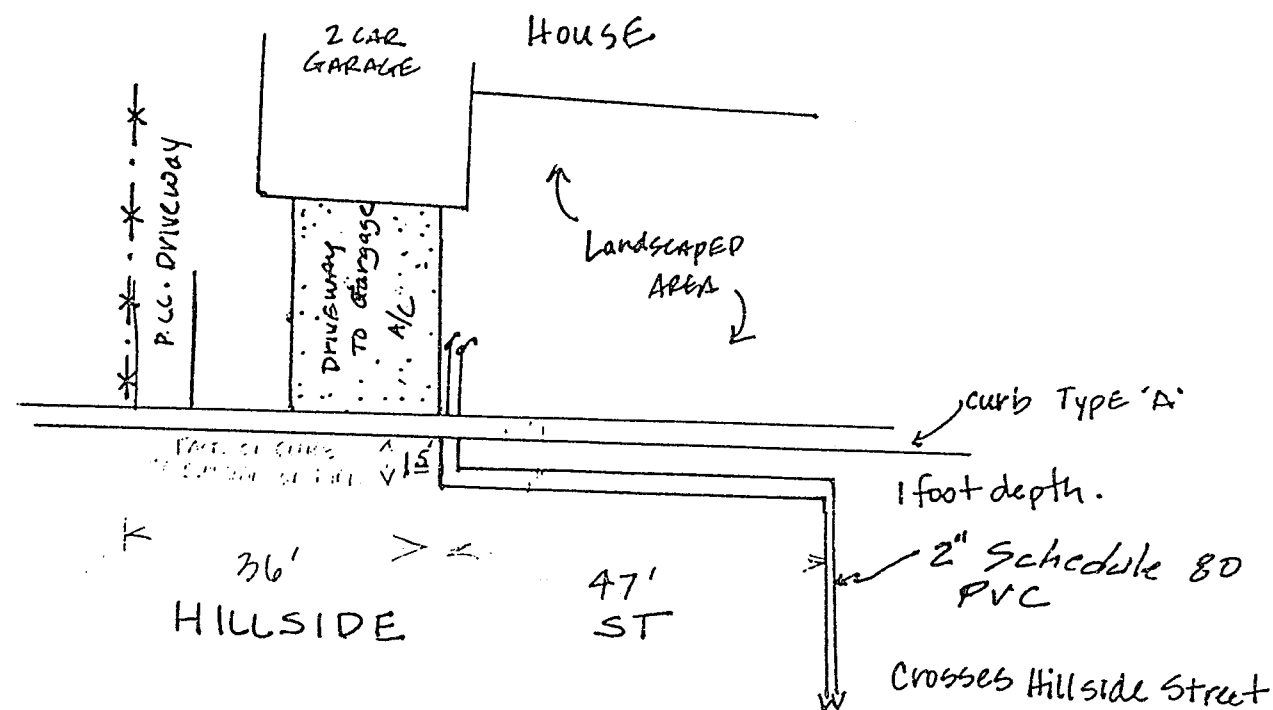
BEFORE ME:



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

49386



State of Oregon, County of Klamath
Recorded 12/16/99, at 11:20 a.m.
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Linda Smith,
County Clerk Fee \$ 15.00

EXHIBIT "A"