

ENCROACHMENT PERMIT

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The City of Klamath Falls, Oregon, a municipal corporation (City) and Sherm's Thunderbird Market, Inc., (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, its successors and assigns, upon the terms and subject to the conditions hereinafter set forth, perpetual, non-exclusive permission to encroach upon a portion of the West side of the Austin Street right-of-way, south of Shasta Way, in the City of Klamath Falls at the easterly boundary of the NE1/4, NW1/4, Section 3, T39S,, R9E, W.M., Klamath County, Oregon (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of maintaining an existing retaining wall. Grantee may not increase the size of said retaining wall unless Grantee applies for, and receives an additional encroachment permit from City.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of Two Thousand Dollars (\$2,000), receipt of which is hereby acknowledged by City. City agrees to apply such sum toward the future purchase and installation of a traffic signal at the intersection of Shasta Way and Avalon Streets, or some other intersection near Grantee as determined necessary and appropriate by the Public Works Department of 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 arising out of Grantee's use/encroachment, or the public's loss of the privileges herein granted.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 28TH day of JULY, 2000.

CITY OF KLAMATH FALLS

SHERM'S THUNDERBIRD MARKET, INC.

By: [Signature]

City Manager

By: [Signature]

President

Attest: [Signature]

City Recorder

Attest: [Signature]

Secretary

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 4 day of August, 2000, personally appeared Jeffrey D. Ball 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:



[Signature]
Notary Public for Oregon

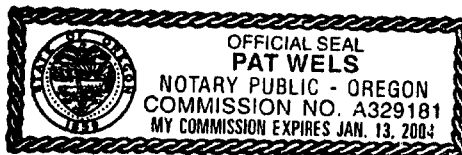
STATE OF OREGON } ss.
COUNTY OF ~~KLAMATH~~ }
JACKSON

On the 28TH day of JULY, 2000, personally appeared **SHERM OLSRUD** and **WANDA OLSRUD**, as President and Secretary, respectively, of Sherm's Thunderbird Market, Inc., and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: PAT WELS

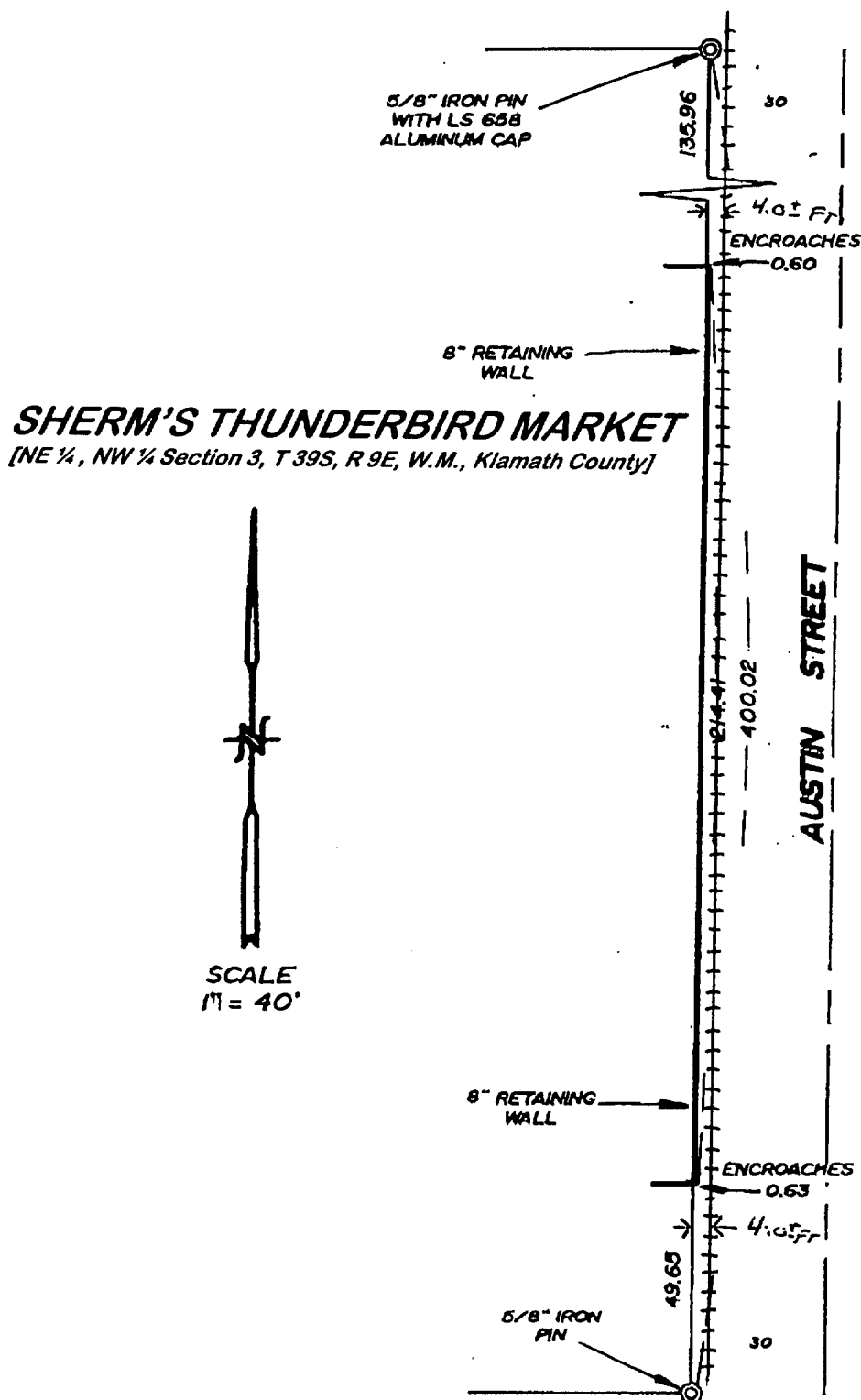
[Signature]
Notary Public for OREGON
My Commission Expires: 01-13-04

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



**SKETCH OF RETAINING WALL ENCROACHMENT
SHERMS THUNDERBIRD MARKET - KLAMATH FALLS
SURVEYED 1-11-00**

29948



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

EXPIRES: 12/31/01

State of Oregon, County of Klamath
Recorded 08/16/00, at 9:08 a. m.
In Vol. M00 Page 29947
Linda Smith,
County Clerk Fee \$ 26⁰⁰

+++ WATER LINE

Exhibit "A"

TRU-LINE SURVEYING, INC.
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603