

2001 FEB -5 PM 3:08

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

City hereby gives and grants to Grantee, their successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the Old Fort Road right-of-way in the City of Klamath Falls at James Martin Court (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of running two geothermal pipelines under the road 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.
- 3) Grantee shall obtain an excavation permit for the work from City Engineering.
- 4) The encroachment shall not exceed 3' in width.

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 21 day of Dec, 2000.

CITY OF KLAMATH FALLS

GRANTEE

By:

City Manager

Martin Monti

Attest:

City Recorder

James Monti

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 12 day of April, 2000, 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:



Notary Public for Oregon

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 12 day of April, 2000, personally appeared Martin North and acknowledged said instrument to be his voluntary act and deed.

BEFORE ME:



L. Kuehmicel
Notary Public for Oregon
My Commission Expires: Dec 12, 2003

STATE OF OREGON }
COUNTY OF KLAMATH } ss.

On the 12 day of April, 2000, personally appeared James North and acknowledged said instrument to be his voluntary act and deed.

BEFORE ME:



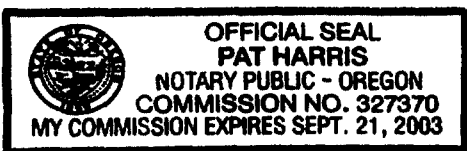
L. Kuehmicel
Notary Public for Oregon
My Commission Expires: Dec 12, 2003

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

STATE OF OREGON)
COUNTY OF KLAMATH) ss.

On the 21st day of December, 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:



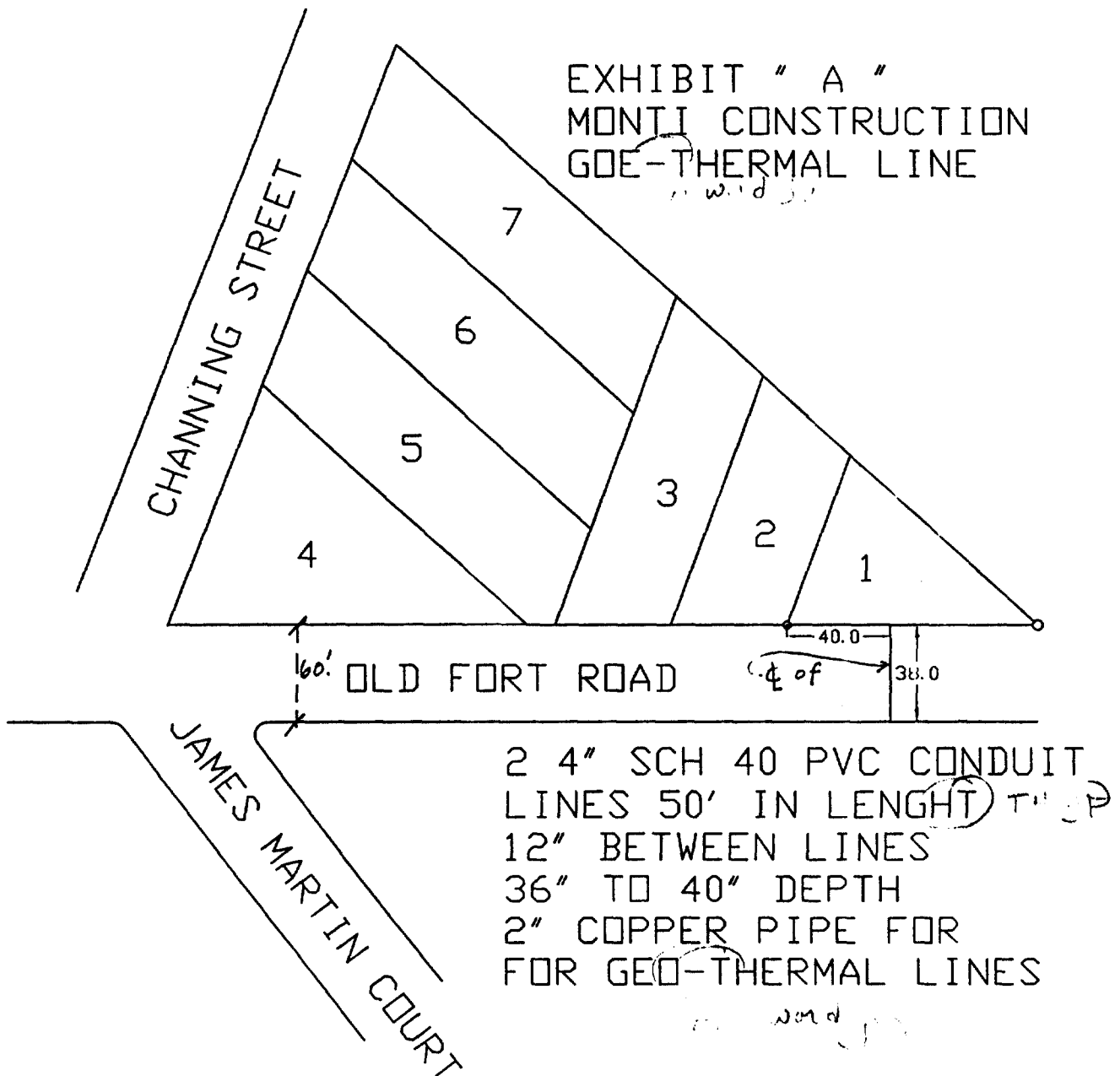
Pat Harris
NOTARY PUBLIC FOR OREGON

Limits of Encroachment
L = 60 FT.
W = 3 FT.

Exhibit "A"

4626

NTS ✓



State of Oregon, County of Klamath
Recorded 02/05/01, at 3:08 p. m.
In Vol. M01 Page 4624
Linda Smith,
County Clerk Fee \$ 31.00