

The City of Klamath Falls, Oregon, a municipal corporation (City), and Neal L. Eberlein and Susan K. Eberlein (Grantee), for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, their 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 North Eldorado Avenue right-of-way in the City of Klamath Falls at 1345 North Eldorado Avenue, more particularly described as Lots 12, 13 and 14 in Block 18 of Hillside Addition (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of reinforcing with concrete blocks the retaining wall abutting North Eldorado by encroaching on the two-foot wide sidewalk at the base of the retaining wall 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 may not close the steps leading to Eldorado or install a sloping access to Painter Street without first obtaining approvals from City Public Works Administration.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of Eighty-One Dollars (\$81.00), 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 ____ day of _____, 2001.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]
City Manager

[Signature]
Neal Eberlein

Attest: [Signature]
City Recorder

[Signature]
Susan Eberlein

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the ____ day of _____, 2001, 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.

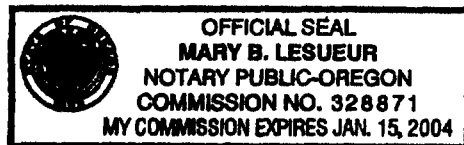
BEFORE ME:

Notary Public for Oregon

STATE OF OREGON } ss.
COUNTY OF KLAMATH }

On the 12th day of June, 2001, personally appeared Neal & Susan Eberlein and acknowledged said instrument to be their voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for Oregon
My Commission Expires: 1-15-2004

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

Exhibit "A"
ONE-SHEET PLOT PLAN
(Illustrate the proposed structure encroachment)

31861

Drawn by: Neal Eberlein Date: 4/30/2001 Scale: _____

1. List all Dimensions: Distance to Property Lines, Curbs, Sidewalks.
2. Dimension **ALL WORK**.
3. Show Main Building with Address.
4. Lettering shall be Legible (line work shall be drawn with a straight edge).
5. List Street Names.
6. North Arrow.
7. List or Identify Materials of Encroached Structure.
8. Computer generated drawings may be submitted on a separate 8 1/2"x14" sheet.

