

ENCROACHMENT PERMIT

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The City of Klamath Falls, Oregon, a municipal corporation (City) and Klamath First Federal Savings & Loan (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, non-exclusive permission to encroach upon the northwesterly portion of the alley right-of-way located behind 540 Main Street, Klamath Falls, Oregon (legally described as a portion of Lot 7 and all of Lot 8 in Block 37 of Original Town of Linkville, now City of Klamath Falls, Klamath County, Oregon) as shown on the attached map, Exhibit "A". This permit is granted for the limited purpose of constructing a 3 foot by 12 foot trash bin enclosure to be located adjacent to the rear (southeasterly) wall of the building at 540 Main Street and not less than 10 feet, 7 inches, from the intersection of the alley with the South 6th Street right-of-way, 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 State and City fire codes and restrictions; 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 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 4th day of September, 2001.

CITY OF KLAMATH FALLS

GRANTEE, KLAMATH FIRST FEDERAL SAVINGS & LOAN

By:

City Manager

By:

Title:

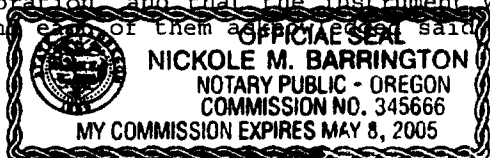
Attest:

City Recorder

STATE OF OREGON } ss.
COUNTY OF KLAMATH

On the 7th day of September, 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:

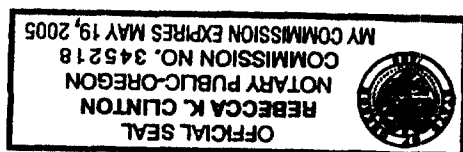


Notary Public for Oregon

STATE OF OREGON } ss.
COUNTY OF KLAMATH

On the 4th day of September, 2001, personally appeared Frank Hernandez as SVP/COO for First Federal Savings & Loan and acknowledged that the instrument was signed on behalf of First Federal Savings & Loan and was its voluntary act and deed.

BEFORE ME:



Notary Public for OREGON
My Commission Expires: 5/19/05

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

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