

AFTER RECORDING RETURN TO: City Recorder 500 Klamath Avenue Klamath Falls, OR 97601	CLERK'S STAMP: State of Oregon, County of Klamath Recorded 03/27/2002 <u>9:25a</u> m. Vol M02, Pg <u>17720-22</u> Linda Smith, County Clerk Fee \$ <u>31.00</u> # of Pgs <u>3</u>
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ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Qwest (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 a portion of the Broad Street right-of-way in the City of Klamath Falls at 805 Broad Street (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of placing a 4" PVC conduit and cable to extend telecommunications service for 805 Broad Street to a new pole 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;
- 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; and
- 3) Grantee shall be responsible for the maintenance of the 4" PVC conduit and cable for all expenses for removal of the conduit/cable, if required under this permit, and for restoration of the right-of-way damaged by placement, maintenance or removal.

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 11th day of March, 2002.

CITY OF KLAMATH FALLS

QWEST

By: [Signature]
City Manager

By: [Signature]

Attest: [Signature]
City Recorder

Secretary

STATE OF OREGON } ss.

County of Klamath

On the 6th day of March, 2002, 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:



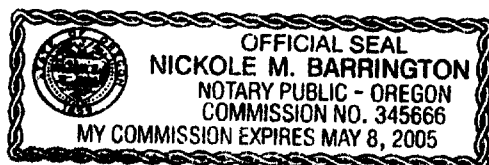
[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-05

STATE OF OREGON } ss.

County of Klamath

On the 11th day of March, 2002, personally appeared Augusta Davies and [Signature] as Senior Design Engineer and secretary of Qwest and acknowledged that said instrument was signed on behalf of Qwest and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2005

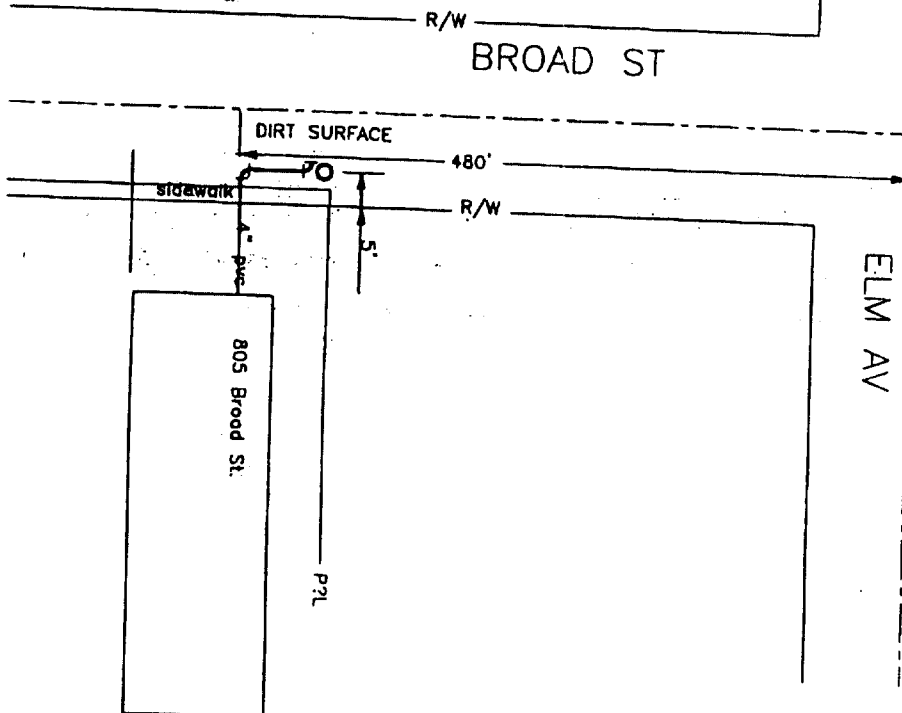
17722

RKS:

encroachment permit dwg.

S 6TH ST

place 10'
pc 4"-c
pl (2) 90 bends
3" R
30" COVER



Description of Easement:

Beginning at a point 480 feet south of the intersecting center lines of Elm and Broad Street and 5 feet west of the east right-of-way line of Broad Street, trench north 10 feet at 30 inch depth. Place a 4 inch PVC duct for purposes of providing telecommunications service to 805 Broad Street.



DESIGNED BY: CUS DE VRIES
TELEPHONE: 541-883-4419
TAPER CODE: A5500

JOB: 127067
GEO CODE: R53882
WC CLI: K1LOR54

QWEST
REASON FOR REVISION: ISSUE DATE: