

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

CLERK'S STAMP:

State of Oregon, County of Klamath
Recorded 08/13/2002 9:31 a m.
Vol M02, Pg 45288-90
Linda Smith, County Clerk
Fee \$ NC # of Pgs 3

ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Klamath County (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 4th Street and Klamath Avenue rights-of-way in the City of Klamath Falls at the 100 Block of South 4th Street and the 400 block of Klamath Avenue adjacent to Grantee's parking lot (as shown on the attached map Exhibit "A"). This permit is granted for the limited purpose of installing geothermal piping in the sidewalks 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 geothermal piping for all expenses for removal of the geothermal piping if required under this permit, and for restoration of the right-of-way damaged by maintenance or removal. Grantee shall also be responsible for obtaining permission to connect to the City geothermal system and the costs of connecting to the system and for all geothermal heat usage fees.

City has agreed to waive the customary Fifty Dollars (\$50.00) for this permit.

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.

45289

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 213, 2002.

CITY OF KLAMATH FALLS

KLAMATH COUNTY

By: [Signature]
City Manager

By: [Signature]

Attest: [Signature]
City Recorder, Deputy

STATE OF OREGON } ss.

County of Klamath

On the 9th day of August, 2002, personally appeared Jeffrey D. Ball and Shirley Kappas who, each being first duly sworn, did say that the former is the City Manager and the latter is the Deputy 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: 5-28-2005

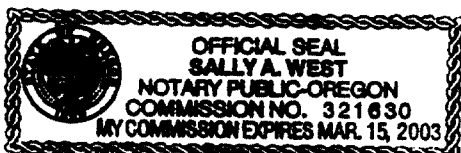
STATE OF OREGON } ss.

County of Klamath

On the 13th day of Aug., 2002, personally appeared Thomas L. Bonband as _____ and _____ of Klamath County and acknowledged that said instrument was signed on behalf of Klamath County acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

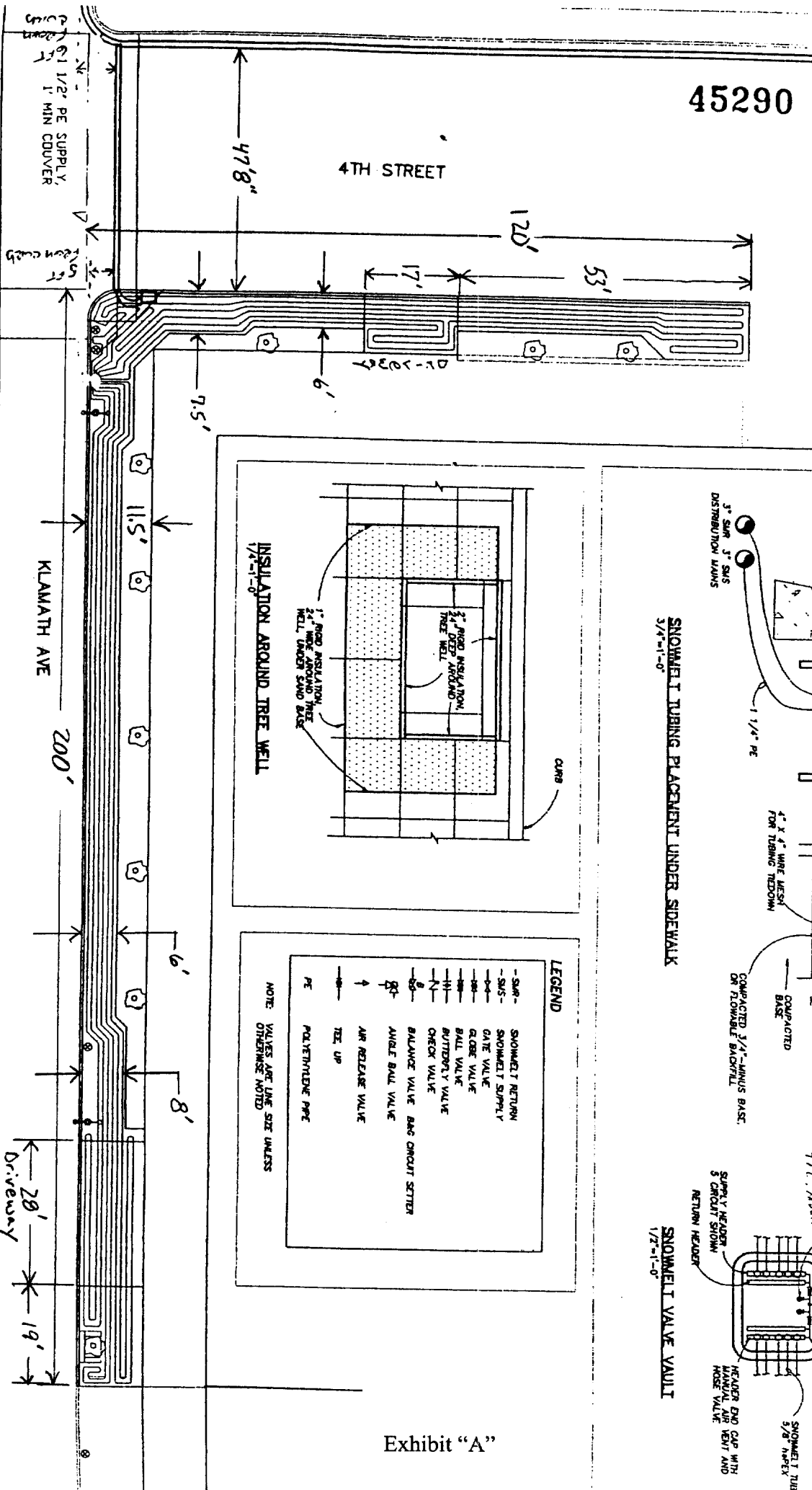
[Signature]
Notary Public for _____
My Commission Expires: Mar. 15, 2003



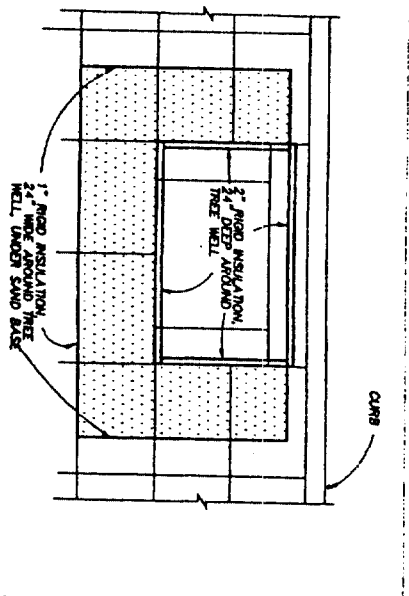
Tax Lot: 38-09-32AC-1900
parking lot

45290

4TH STREET



INSULATION AROUND TREE WELL
1/4"=1'-0"



LEGEND

- SAR- SNOWMELT RETURN
- SUS- SNOWMELT SUPPLY
- G- GATE VALVE
- B- BALL VALVE
- H- BUTTERFLY VALVE
- C- CHECK VALVE
- B- BALANCE VALVE
- B- AIR RELEASE VALVE
- B- TEE UP
- PE- POLYETHYLENE PIPE

NOTE: VALVES ARE LINE SIZE UNLESS OTHERWISE NOTED

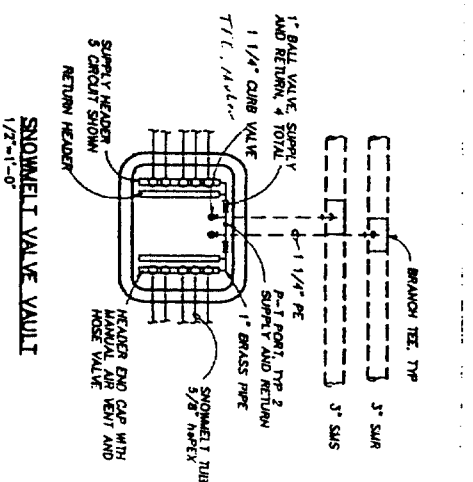
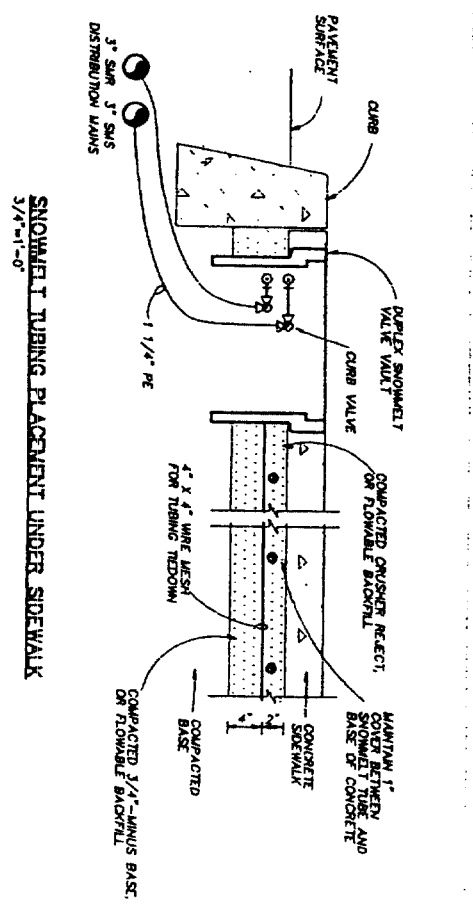


Exhibit "A"

SNOWMELT TUBING LAYOUT
1"=20'