

AFTER RECORDING RETURN TO:

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

C State of Oregon, County of Klamath  
Recorded 07/25/2003 2:43 p m  
Vol M03 Pg 52786-88  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

### REVOCABLE LICENSE & ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Starla G. Davis (who took title as Starla G. Fenner) and Robert D. Davis (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 James Martin Court right-of-way in the City of Klamath Falls at 2323 James Martin Court (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of constructing retaining walls to stop erosion from entering the street 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 retaining walls, for all expenses for removal of the retaining walls, if required under this license/permit, and for restoration of the right-of-way damaged by 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

Encroachment Permit, Page 1

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within sixty (60) days. Grantee agrees that City shall not be responsible for damage to any structures within the right-of-way caused by or related to City's legitimate use of the right-of-way.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 10<sup>th</sup> day of July, 2003.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]  
City Manager

By: [Signature]  
Owner

Attest: [Signature]  
City Recorder

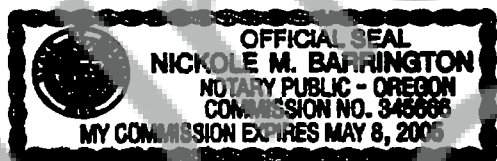
By: [Signature]  
Owner

STATE OF OREGON } ss.

County of Klamath

On the 10<sup>th</sup> day of July, 2003, 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:



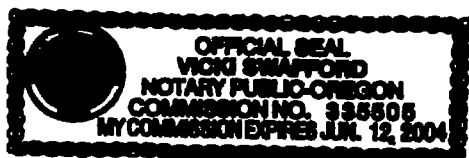
[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-8-2005

STATE OF OREGON } ss.

County of Klamath

On the 10 day of July, 2003, personally appeared Shirley B. Davis and Robert D. Davis and they acknowledged that said instrument was signed and to be of their voluntary act and deed.

BEFORE ME:



[Signature]  
Notary Public for Oregon  
My Commission Expires: 6-12-04

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House

Driveway 16' 3"

proposed Driveway Brick Wall along driveway ①

H = 18"

13' ±

N

Sidewalk PCC shall be 4" thick since driveway is established. Driveway section shall be 6" thick.

Fence

Proposed sidewalk ②

Back of Curb

Street

Tract 1327 #4

156' 0"

129' 5"

Property line is 156' from the back side of curb on the south east side of property and tapers slightly 136' at the east end.

Tract 1327 #4

Old Fort Estates

2323 James Martin Ct

Exhibit "A"

**Exhibit "A"**

Property line is 15 feet  
from the back side  
of curb on the south  
+ east side of property  
and tapers to approxi-  
mately 13 feet at the north  
east end.

Tract 1327 #4  
Old Fort Estates  
2323 James Martin Ct