

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTOR:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Klamath Falls City School District
1336 Avalon
Klamath Falls, OR 97603

CLERK'S STAMP:

State of Oregon, County of Klamath
Recorded 09/12/03 11:45 a m
Vol M03 Pg 68012-14
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 Klamath Falls City School District (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 2900 Block of Eberlien right-of-way in the City of Klamath Falls (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of installing a 6" storm system drain line 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;
- 3) Grantee shall obtain a site construction permit, meet all requirements of City's trenching detail drawing #2-105 and submit a traffic control plan for review and approval;
- 4) Grantee agrees that City has the right to either revoke the license/permit or require Grantee to make modifications to the drain line in the event it poses a water quality or quantity issue for the City's downstream storm system; and
- 5) Grantee shall be responsible for the maintenance of the storm system drain line, or all expenses for removal of the storm system drain line 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.

68013

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. 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 25th day of Aug, 2003.

CITY OF KLAMATH FALLS

GRANTEE, KLAMATH FALLS CITY SCHOOL DISTRICT

By: [Signature]
City Manager

By: [Signature]
Gary T. Hutchison

Title: Director of Maintenance

Attest: [Signature]
Deputy City Recorder

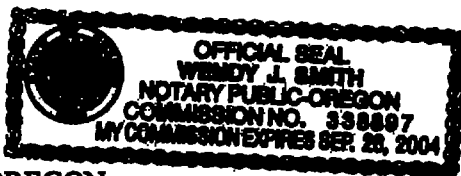
Secretary

STATE OF OREGON } ss.

County of Klamath

On the 25th day of August, 2003, 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:



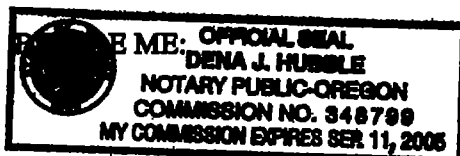
[Signature]
Notary Public for Oregon

My Commission Expires: 9-28-2004

STATE OF OREGON } ss.

County of Klamath

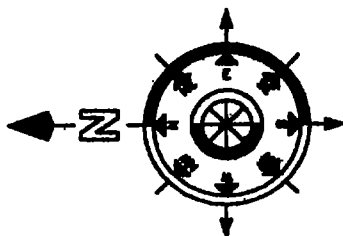
On the 22nd day of August, 2003, personally appeared Gary T. Hutchison as Director of Maintenance for Klamath Falls City School District acknowledged that said instrument was signed on behalf of Klamath Falls City School District and acknowledged said instrument to be its voluntary act and deed.



[Signature]
Notary Public for

My Commission Expires: 9/11/05

68014



AYALON AVE.

SITE PLAN

SCALE: 1"=50'

DRAIN PIPE FOR LUCILLE O'NEILL SCHOOL
 CLATSOP FALLS CITY SCHOOLS
 1836 AVONON AVENUE
 CLATSOP FALLS, CLATSOP COUNTY, OR

BEZELIN

EXISTING BUILDING

Exhibit "A"