

AFTER RECORDING RETURN TO:

OC City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

CLERK'S STAMP:

State of Oregon, County of Klamath
Recorded 10/15/03 3:46 P^m
Vol M03 Pg 76911-76913
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 William & Kelly McNeary (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 alley right-of-way adjacent to the rear of Grantee's property at 1335 Lookout Avenue in the City of Klamath Falls (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of building a fence 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; Grantee shall apply for and obtain a fence permit from City Planning;
- 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 fence, for all expenses for removal of the fence, 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 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.

76912

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 26th day of September 2003.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]
City Manager

[Signature]
William McNeary

Attest: [Signature]
City Recorder

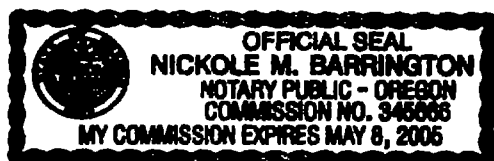
[Signature]
Kelly McNeary

STATE OF OREGON } ss.

County of Klamath

On the 26th day of September, 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:



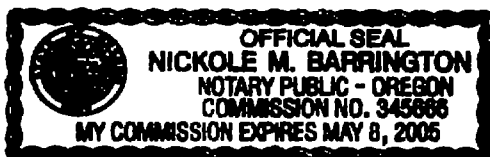
[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2005

STATE OF OREGON } ss.

County of Klamath

On the 25th day of September, 2003, personally appeared Kelly McNeary and William McNeary and they acknowledged that said instrument was signed and to be of their voluntary act and deed.

BEFORE ME:



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

ONE-SHEET PLOT PLAN

(Illustrate the proposed structure encroachment)

76913

Drawn by: BILL McNEARY Date: 8-29-03 Scale: 1" = 1/16"

1. List all Dimensions: Distance to Property Lines, Curbs, Sidewalks.
2. Dimension ALL WORK.
3. Show Main Building with Address.
4. Lettering shall be Legible (line work shall be drawn with a straight edge).
5. List Street Names.
6. North Arrow.
7. List or Identify Materials of Encroached Structure.
8. Computer generated drawings may be submitted on a separate 8 1/2"x14" sheet.

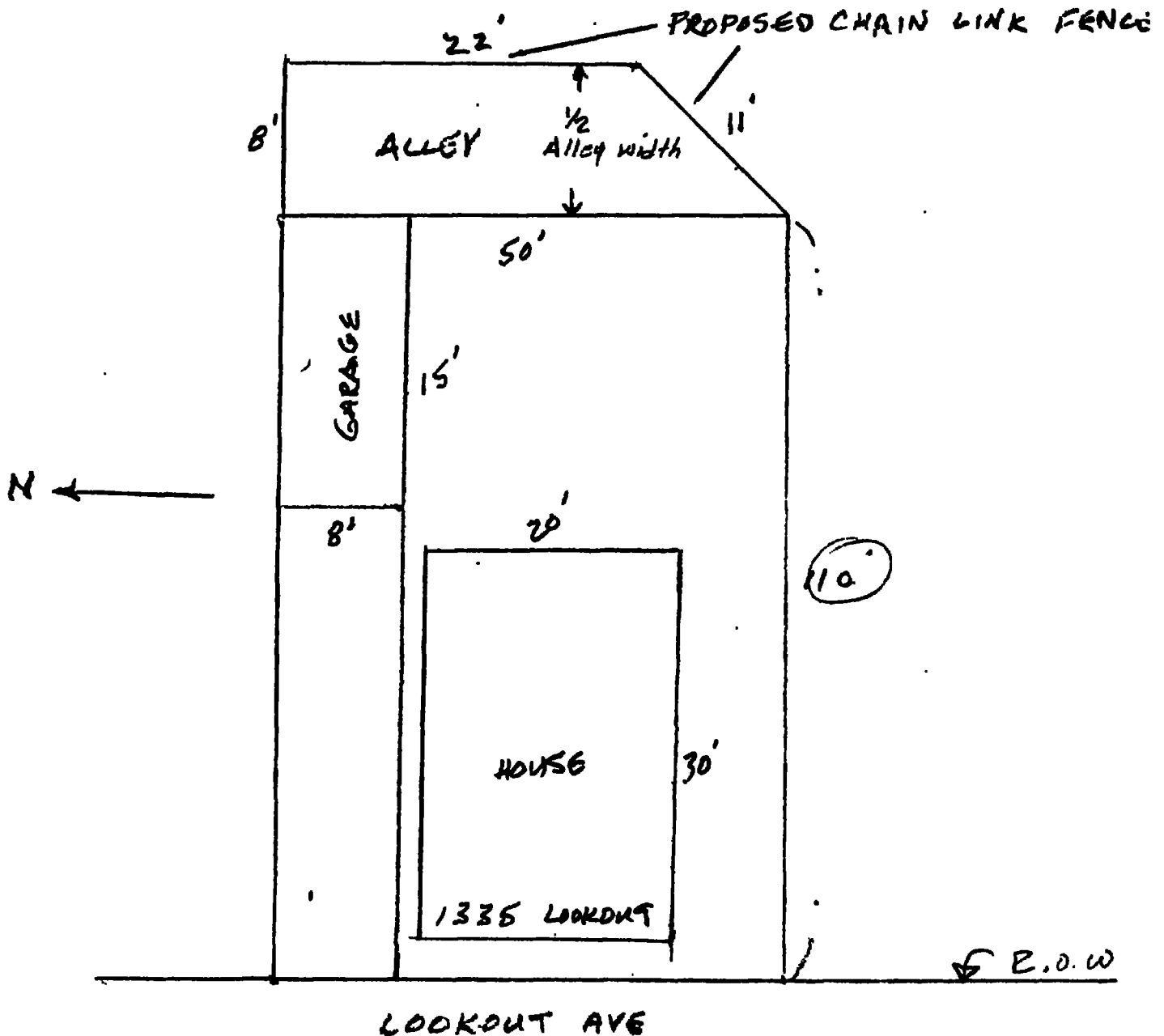


Exhibit "A"