

03 DEC 10 PM 3:27

State of Oregon, County of Klamath  
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Linda Smith, County Clerk  
Fee \$ 21.00 # of Pgs 1

**LOCAL IMPROVEMENT CONTRACT**  
City of Klamath Falls, Oregon

This agreement is entered into this 2<sup>nd</sup> day of December 2003, by and between the City of Klamath Falls (City) and John and Edith Elliott (Owner).

WHEREAS, Owner is the owner of the following described property:

Map and Tax Lot Number R-39-08-012DB, Tax Lot 2100, Parcel 1 of Land Partition 12-98, Klamath County, Oregon ("Property"); and

WHEREAS, Owner desires to develop the Property and needs to connect to City's sewer main on Orindale; and

WHEREAS, City Code requires Owner to extend the sewer line to the South extremity of the Property, but it is impossible to determine the appropriate grade and sizing of the extension because those are dependent upon the size and nature of development to the south of the Property; and

WHEREAS, the proposed development of the Property will contribute to the need for, as well as benefit from, the following improvements:

Construction, to City design standards, of Owner's relative proportion, based upon total acreage, of a southerly extension of the sewer main along Orindale Road; and

WHEREAS, a condition of the Owner's connection of the Property to City's sewer system is an agreement to participate in the cost of said future improvements;

NOW THEREFORE,

**THE PARTIES HERETO AGREE AS FOLLOWS:**

1. In the event and at such time as the City initiates the formation of a Local Improvement District (LID) for the funding and construction of the improvements designated above, Owner agrees to not remonstrate against the formation of such LID. City agrees that a LID assessment levied against Owner's Property shall not exceed the benefit conferred upon the Property.
2. In the event and at such time as there is any development of the properties generally south of the Property, and such development is permitted or required to connect to City's sewer system, Owner agrees to pay for the improvements described above.
3. This agreement shall run with the Property and shall bind and inure to Owner's successors in interest.

CITY OF KLAMATH FALLS

By: [Signature]  
Attest: Elsa Olson  
Dated: 12-1-03

OWNER

Edith R. Elliott  
John R. Elliott  
Dated: 12-1-03

STATE OF OREGON           )  
  )ss.  
County of Klamath        )

This instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2003, by John & Edith Elliott.



NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-20-04  
Vicki Young

After Recording Return to:  
City Engineering Department  
226 South 5<sup>th</sup> Street  
Klamath Falls, OR 97601

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