

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

State of Oregon, County of Klamath

Recorded 01/12/2004 3:43 p m

Vol M04 Pg 1628-30

Linda Smith, County Clerk

Fee \$ 3/00 # of Pgs 3

**GRANTEE:**

Ronald and Vicki Powley  
Trustees for the Ronald L. and Vicki J. Powley Family Trust  
2365 Linda Vista Drive  
Klamath Falls, OR 97601

**GRANTOR:**

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

**REVOCABLE LICENSE & ENCROACHMENT PERMIT**

The City of Klamath Falls, Oregon, a municipal corporation (City) and Ronald Powley and Vicki Powley, Trustees for the Ronald L. and Vicki J. Powley Family Trust dated September 23, 1988 (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 three-foot wide and sixty-eight-foot long portion of the Linda Vista Drive right-of-way in the City of Klamath Falls at 2365 Linda Vista Drive (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of extending geothermal piping benefitting Lots 2, 3 and 9 of the Loma Linda Heights 1<sup>st</sup> Addition, 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 obtain a Site Construction Permit prior to starting any excavation in the right-of-way;
- 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 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 or piping 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 8<sup>th</sup> day of January, 2004.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]  
City Manager

By: Ronald Powley - Trustee  
Ronald Powley - Trustee

Attest: Elisa D. Olson  
City Recorder

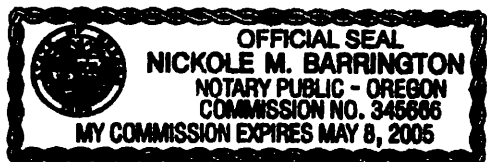
By: Vicki Powley, Trustee  
Vicki Powley - Trustee

STATE OF OREGON } ss.

County of Klamath

On the 8<sup>th</sup> day of January, 2004, 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:



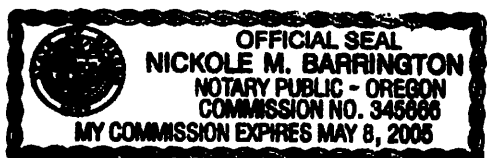
Nickole M. Barrington  
Notary Public for Oregon  
My Commission Expires: 5-8-2005

STATE OF OREGON } ss.

County of Klamath

On the 7<sup>th</sup> day of January, 2004, personally appeared Ronald Powley and Vicki Powley and they acknowledged that said instrument was signed and to be of their voluntary act and deed.

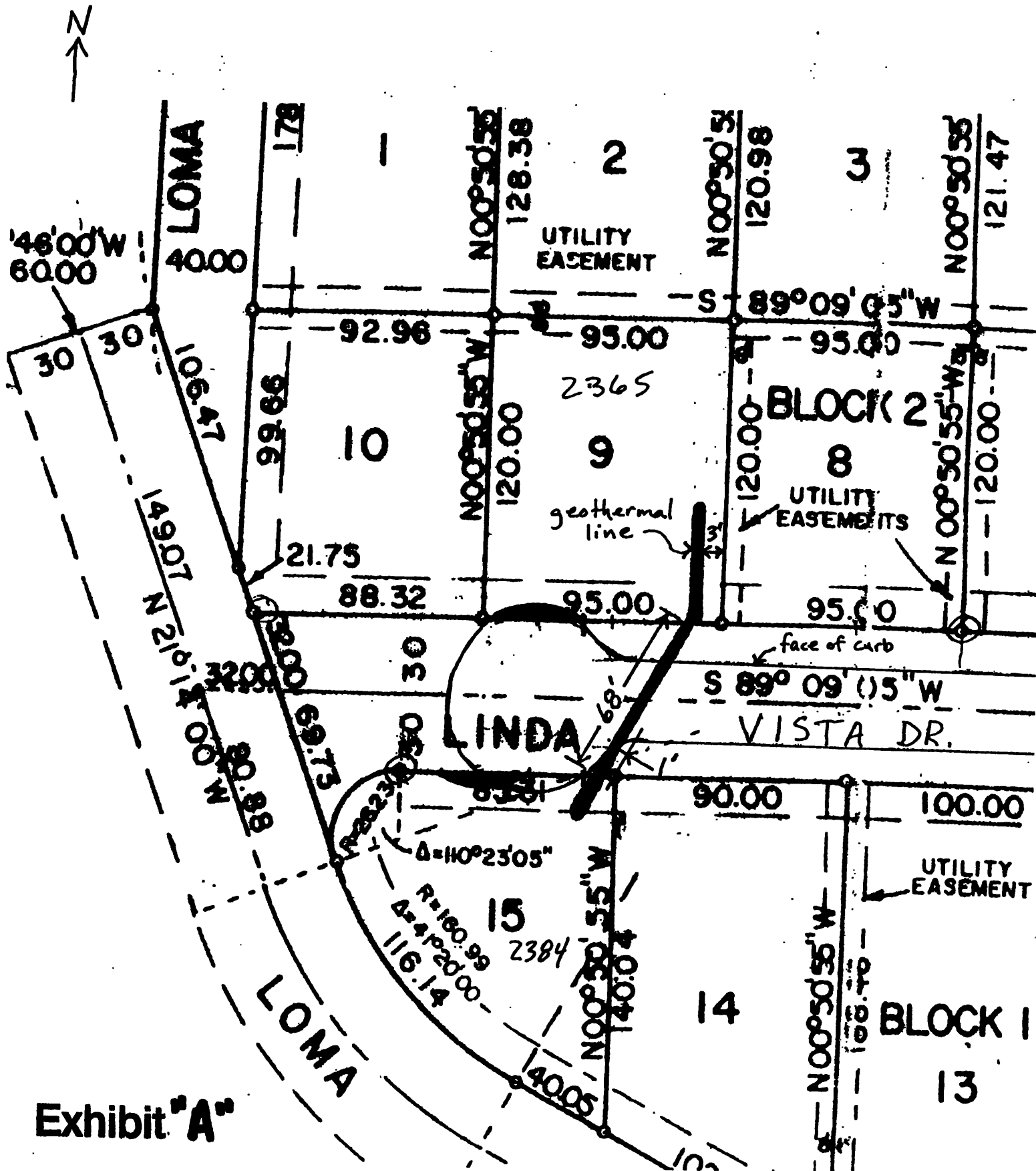
BEFORE ME:



Nickole M. Barrington  
Notary Public for Oregon  
My Commission Expires: 5-8-2005

(NTS)

01630



# Exhibit "A"