

AFTER RECORDING RETURN TO:

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

State of Oregon, County of Klamath

Recorded 07/07/2004 3:53 p m  
(Vol M04 Pg 44696-699  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

GRANTEE:

William E. Adams  
247 Gage Road  
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 William E. Adams (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 Gage Road right-of-way between Highway 97 and Lakeport Boulevard 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 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;
- 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 as noted in Exhibit "B"; 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. City does not at this time recognize any underlying interest in Gage Road as asserted by Grantee.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 1<sup>st</sup> day of July, 2004.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]  
City Manager

By: [Signature]  
William E. Adams

Attest: [Signature]  
City Recorder

STATE OF OREGON } ss.

County of Klamath

On the 2 day of July, 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:



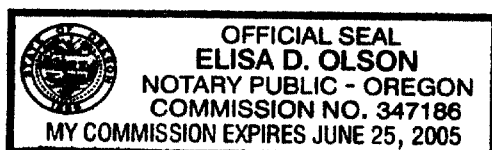
[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-26-05

STATE OF OREGON } ss.

County of Klamath

On the 1st day of July, 2004, personally appeared William E. Adams and he acknowledged that said instrument was signed and to be of his voluntary act and deed.

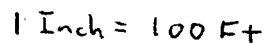
BEFORE ME:



[Signature]  
Notary Public for Oregon  
My Commission Expires: 6-25-05

## 44698

SEE MAP 38 09 20CB



**REVOCABLE LICENSE & ENCROACHMENT PERMIT #010-04****Encroachment on Gage Road Right-Of-Way**

Conditions: 1) Grantee shall allow the City access across the existing gated street. The City Wastewater Division can place their lock by connecting it to Grantee's lock. The City has a Sanitary Manhole that is located in the westerly prolongation of Gage Road. Currently the City uses Gage Road to gain access to that manhole. 2) Grantee shall check with the City Planning office on fence permits and shall not commence construction prior to obtaining a permit if required. 3) Grantee shall call for utility locates prior to excavating for fence posts. 4) Grantee shall have a Professional Land Surveyor locate the south right-of-way line of Gage Road so that the fence does not encroach onto private property. 5) Grantee shall not store or build any structure other than the fence within the right-of-way which would impede the City's access.