

Returned @ County

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Melvin Kendall
8040 Homedale Road
Klamath Falls, OR 97603

GRANTOR:

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

State of Oregon, County of Klamath

Recorded 10/25/04 11:52a mVol M04 Pg 72615-18

Linda Smith, County Clerk

Fee \$ 36.00 # of Pgs 4**REVOCABLE LICENSE & ENCROACHMENT PERMIT**

The City of Klamath Falls, Oregon, a municipal corporation (City) and Melvin Kendall (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 land situated in the NW1/4 NE1/4 of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon within the City of Klamath Falls Airport (as shown on the attached map Exhibit "A" and further described in the attached Exhibit "B"). This license/permit is granted for the limited purpose of continued use of the septic system drain field for the residence at 8040 Homedale Road 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 conform to any modifications or restrictions imposed by the Airport Director; and
- 3) Grantee shall be responsible for the maintenance of the drain field, for all expenses for removal of the drain field, if required under this license/permit, and for restoration of the Airport property damaged by such maintenance or removal.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of Thirty-One Dollars (\$31.00) for recording fees, 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.

72616

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 Airport property in accordance with the directions of the City's Airport Director within sixty (60) days. Grantee agrees that City shall not be responsible for damage to any structures within the encroachment area caused by or related to City's legitimate use of the property.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 25th day of October, 2004.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]
City Manager

By: [Signature]

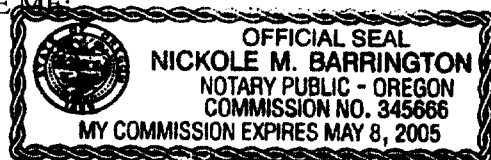
Attest: [Signature]
City Recorder

STATE OF OREGON } ss.

County of Klamath

On the 25th day of October, 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:



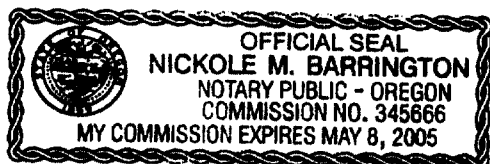
[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2005

STATE OF OREGON } ss.

County of Klamath

On the 15th day of October, 2004, personally appeared Melvin B. Kendall 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: 5-8-2005

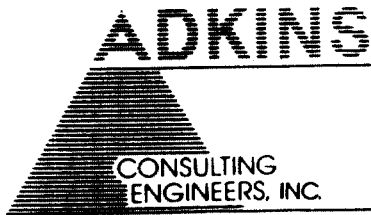


Exhibit "B"

72618

Engineers



Planners



Surveyors

DESCRIPTION FOR EASEMENT

A parcel of land situated in the NW¼ NE¼ of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the west line of Homedale Road from which the northeast corner of Section 26 bears North 63°13'45" East 1531.44 feet; thence South 89°44'10" East 300.00 feet; thence North 3°12'45" West 22.65 feet; thence North 89°51'51" East 301.39 feet to the west line of Homedale Road; thence along said west line South 0°17'51" West 24.71 feet to the point of beginning, containing 0.16 acres, more or less.

2189-04

7-20-04