

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

SDT Properties, LLC
9462 Greenbriar Drive
Klamath Falls, OR 97603

GRANTOR:

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

CLERK'S STAMP:

M05-68918

Klamath County, Oregon

11/14/2005 09:31:33 AM

Pages 3 Fee: \$31.00

REVOCABLE LICENSE & ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and SDT Properties, LLC (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 Washburn Way right-of-way in the City of Klamath Falls at 3620 Washburn Way (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of installing approximately 56 feet of storm water drainage pipe from Grantee's property to an existing catch basin on Washburn Way, 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; and
- 3) Grantee shall be responsible for the maintenance of the storm pipe and for all expenses for removal of the storm pipe, 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.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 2nd day of November, 2005.

CITY OF KLAMATH FALLS

GRANTEE
SDT PROPERTIES, LLC

By: [Signature]
City Manager

By: [Signature]
Name: Tedd Stewart
Title: Managing Member

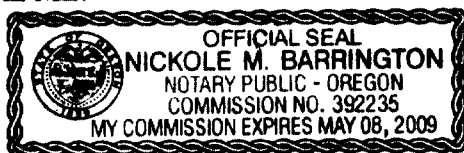
Attest: [Signature]
City Recorder

STATE OF OREGON } ss.

County of Klamath

On the 2nd day of November, 2005, 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:



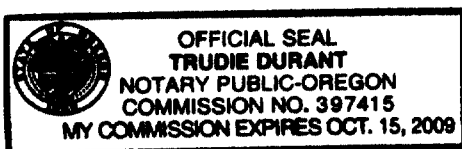
[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2009

STATE OF OREGON } ss.

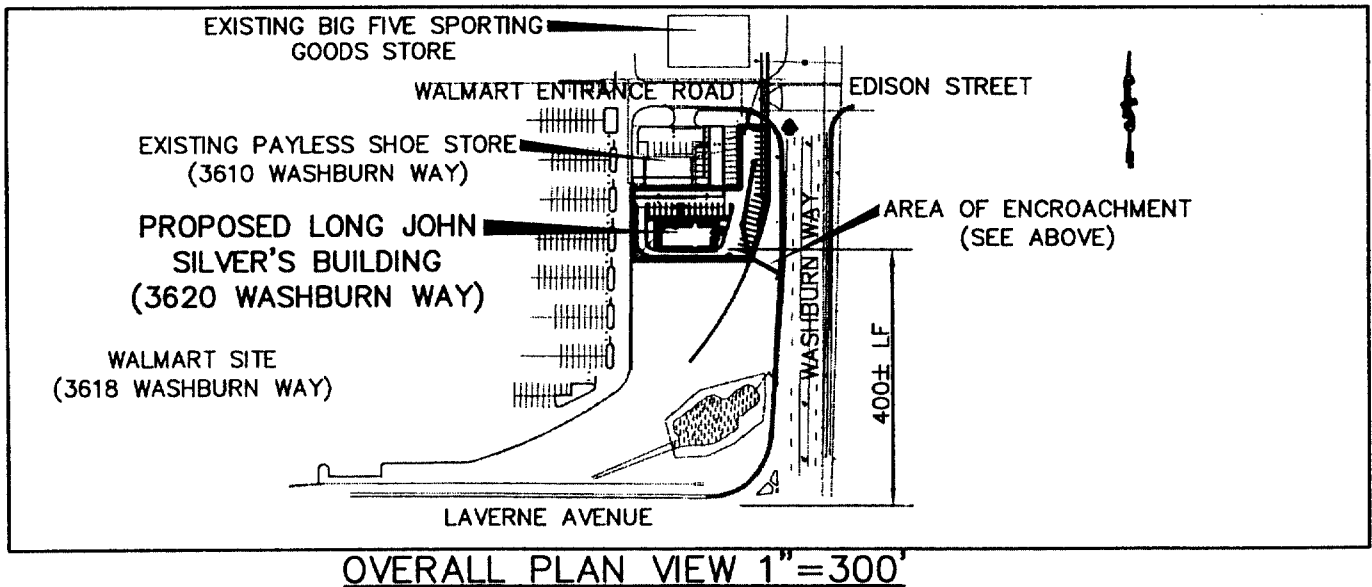
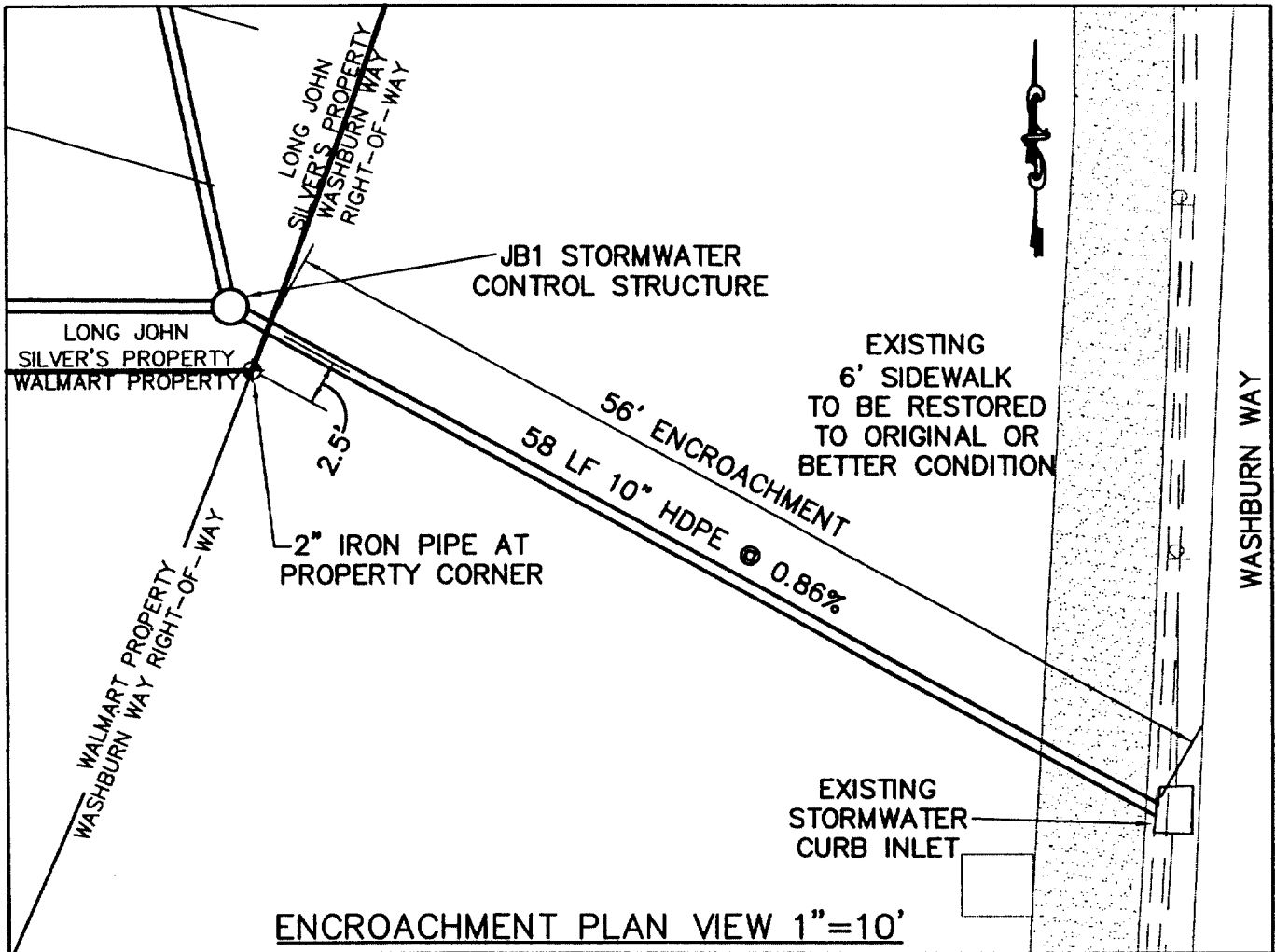
County of Klamath

On November 2nd, 2005, personally appeared Tedd Stewart, who, being duly sworn, acknowledged to me that he/she is the representative for SDT Properties, LLC ("SDT"), that the foregoing instrument was signed on behalf of SDT, that he/she is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of SDT.

BEFORE ME:



[Signature]
Notary Public for _____
My Commission Expires: _____



LONG JOHN SILVER'S STORMWATER ENCROACHMENT



Engineers ▲ Planners ▲ Surveyors
2950 Shasta Way · Klamath Falls, Oregon 97603
(541) 884-4666 · FAX (541) 884-5335 COPYRIGHT © 2005

FILE NAME:	ENCROACH
ACE JOB No:	2618-01
SCALE:	1"=10'
DATE:	8-22-05
DESIGNED BY:	MDR
DRAWN BY:	MDR
CHECKED BY:	DA
SHEET:	1 of 1