

2007-000553

Klamath County, Oregon



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01/11/2007 03:05:54 PM

Fee: \$31.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Ross S. Carroll
Mary M. Carroll
2215 Auburn Street
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 Ross S. Carroll and Mary M. Carroll (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 Damont Street right-of-way in the City of Klamath Falls at a location generally east of 2215 Auburn Street (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of permitting an existing patio and outdoor fireplace area enclosed by a retaining wall ("Permitted Structures") 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 Permitted Structures, for all expenses for removal of the Permitted Structures, if required under this license/permit, and for restoration of the right-of-way damaged by maintenance or removal; other than minor repairs and maintenance, no improvements on remodeling shall be allowed on the Permitted Structures within the improvement area.

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 arising 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. Grantee acknowledges that this permit may be terminated if street improvements are constructed, utility repair/construction is required, emergency vehicles are impaired, or the private encroachment structures are in need of reconstruction/remodeling.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 8th day of January, 2007.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]
City Manager

By: [Signature]
Ross S. Carroll

Attest: [Signature]
City Recorder

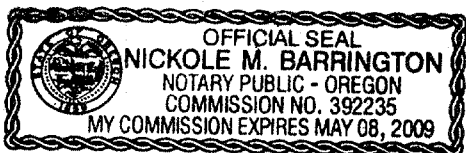
By: [Signature]
Mary M. Carroll

STATE OF OREGON } ss.

County of Klamath

On the 8th day of January, 2007, 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.

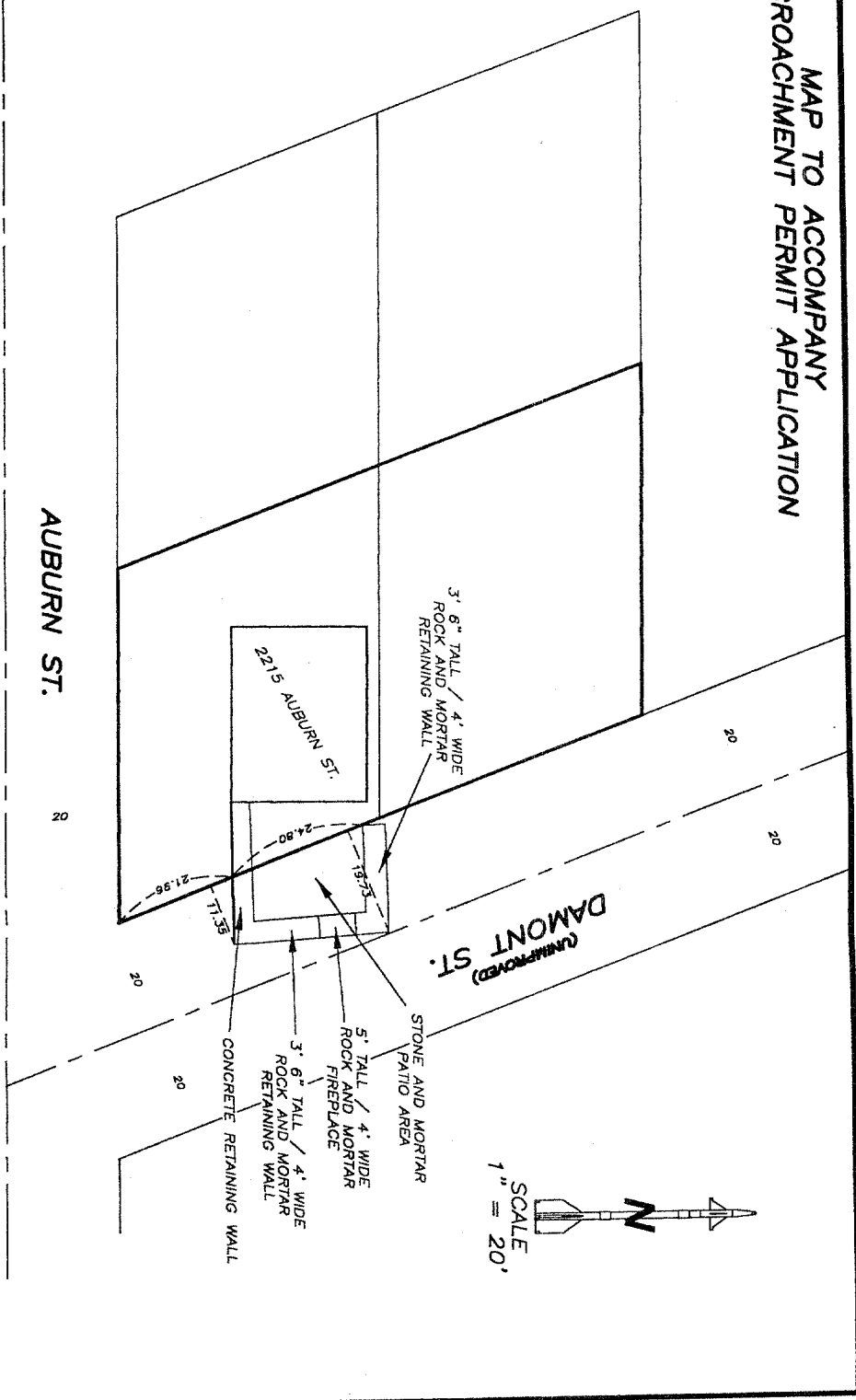
County of Klamath

On the 5th day of January, 2007, personally appeared Ross S. and Mary M. Carroll and they acknowledged that said instrument was signed and to be of their voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-09

MAP TO ACCOMPANY ENCROACHMENT PERMIT APPLICATION



TRU-LINE SURVEYING, INC.
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603

Exhibit "A"