

2009-005125

Klamath County, Oregon



00064154200900051250030035

04/13/2009 02:56:05 PM

Fee: \$31.00

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

**CLERK'S S**

**GRANTEE:**

Edwin J. Clough III  
PO Box 338  
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 Edwin J. Clough, III (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 Byrd Avenue right-of-way in the City of Klamath Falls at 3730 Highway 97 N (portions of Blocks 3 and 4 of Chelsea Addition to City of Klamath Falls lying southwesterly of Highway 97) where the property abuts Byrd Avenue (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of permitting the already existing lighted sign and support pole ("Sign") 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 Sign and for all expenses for removal of the Sign, 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 9th day of April, 2009.

CITY OF KLAMATH FALLS

By: [Signature]

City Manager

Attest: [Signature]

City Recorder

GRANTEE

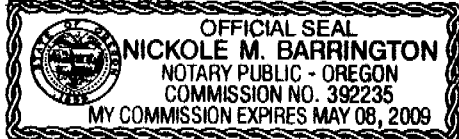
By: [Signature]

Edwin J. Clough III

STATE OF OREGON )  
 ) ss.  
County of Klamath )

On the 8th day of April, 2009, 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:

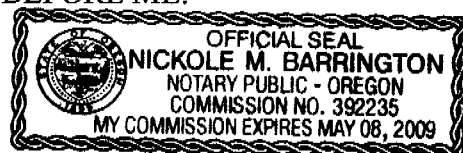


[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-8-2009

STATE OF OREGON )  
 ) ss.  
County of Klamath )

On the 8th day of April, 2009, personally appeared Edwin J. Clough III 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: 5-8-2009

Exhibit "A"

**MAP OF SIGN LOCATION**  
SITUATED IN THE NE1/4 NE1/4 OF SECTION 19, T38S, R9EWM,  
KLAMATH COUNTY, OREGON

APPROX. SIGN DIMENSIONS

HEIGHT: 31'  
POLE DIAMETER: 1.6'  
BASE DIAMETER: 2.8'

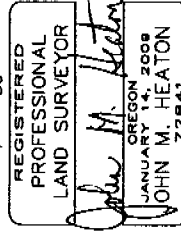
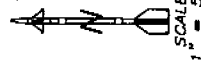
STATE HIGHWAY 97

(UNIMPROVED)

BYRD AVE.

SIGN ENCLOSES 10.7' ±

BLOCKS 3 AND 4  
OF "CHELSEA ADDITION"  
TO KLAMATH FALLS



RENEWAL DATE: 6-30-09

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