

**2009-005698**

**Klamath County, Oregon**

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601



00064833200900056980030030

04/24/2009 03:52:37 PM

Fee: \$31.00

**GRANTEE:**

Ore-Cal Land Development, LLC  
PO Box 7  
32159 Transformer Road  
Malin, OR 97632

**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 Ore-Cal Land Development, 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 two separate portions of the Contra Loma Street (connecting to the newly created Link River Drive) right-of-way in the City of Klamath Falls along the frontage of Government Lot 8, and Lots 1, 2 and 3 in Block 121 of the Buena Vista Addition to the City of Klamath Falls, all located in the S½, NE ¼, Section 30, Township 38S, Range EWM (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of constructing two retaining walls, together with the associated infrastructure, and 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; and
- 3) Grantee shall be responsible: for the maintenance of the retaining wall, the associated infrastructure and the fence; for all expenses for removal of the retaining wall and fence, if required under this license/permit; and for restoration of the right-of-way damaged by such 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 connected with or 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.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 24<sup>th</sup> day of April, 2009.

CITY OF KLAMATH FALLS

By: [Signature]  
Rick Whitlock, Acting City Manager

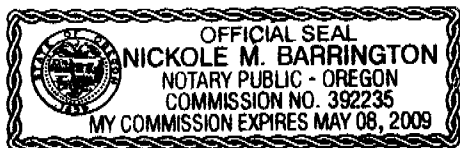
ORE-CAL LAND DEVELOPMENT LLC

By: [Signature]  
Name: Jim Hogue  
Title: ACTING Member.

STATE OF OREGON           )  
  ) ss.  
County of Klamath         )

On the 24<sup>th</sup> day of April, 2009, personally appeared Rick Whitlock, who, being first duly sworn, did say that he is at the present time the Acting City Manager of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and he acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

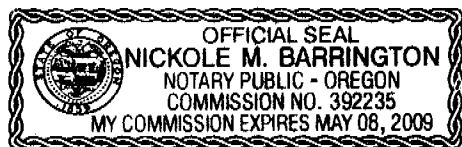


[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-8-2009

STATE OF OREGON           )  
  ) ss.  
County of Klamath         )

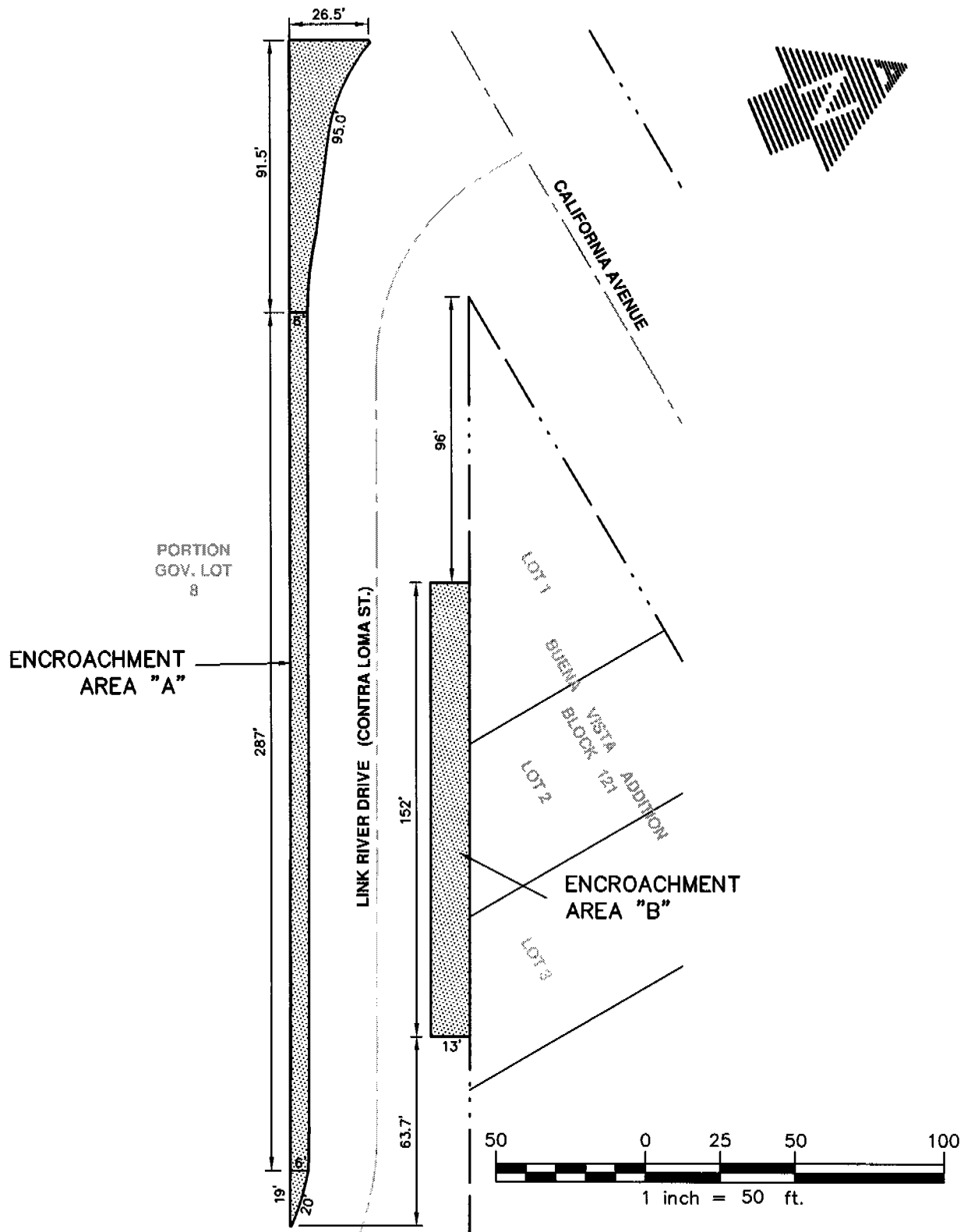
On April 24<sup>th</sup>, 2009, personally appeared Jim Hogue, who, being first duly sworn, did acknowledge that he/she is the Acting Member of Ore-Cal Land Development LLC, that the foregoing instrument was signed on behalf of Ore-Cal Land Development LLC, that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

BEFORE ME:



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

Exhibit "A"



**ADKINS**

CONSULTING  
ENGINEERS, INC.

Engineers ▲ Planners ▲ Surveyors

2950 Shasta Way · Klamath Falls, Oregon 97603 · (541) 884-4666 · FAX (541) 884-5335  
Klamath Falls, OR · Medford, OR · Alturas, CA

APRIL, 2009

ENCROACHMENT

2186-03

MAP OF ENCROACHMENT AREA  
FOR  
TRACT 1487 - LINK RIVER ESTATES  
IN  
S½NE¼ SEC. 30, T38S, R9EWM  
KLAMATH COUNTY, OREGON