

Returned @ County

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

2009-007392

Klamath County, Oregon



00066772200900073920030036

05/27/2009 03:50:08 PM

Fee: \$31.00

GRANTEE:

Thomas J. Shaw
Barbara K. Shaw
PO Box 257
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 Thomas J. And Barbara K. Shaw (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 platted, City-owned Public Utility Easements located on Lots 21 and 27 ("PUE's") of Tract 1145 of the Nob Hill Replat in the City of Klamath Falls at the rear of 211 Ridgecrest Drive (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of permitting an existing deck and wooden retaining wall that were built within the platted PUE's and are 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 deck and retaining wall. for all expenses for removal of the deck and retaining wall, if required under this license/permit, and for restoration of the easement 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 11th day of May, 2009.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]
City Manager

By: [Signature]
Thomas J. Shaw

Attest: [Signature]
City Recorder

By: [Signature]
Barbara K. Shaw

STATE OF OREGON)
) ss.
County of Klamath)

On the 11th day of May, 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:

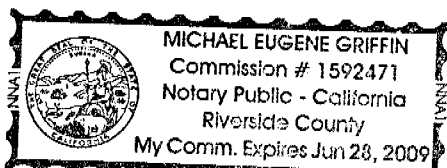


[Signature]
Notary Public for Oregon
My Commission Expires: 9-10-09

STATE OF OREGON)
) ss.
County of Riverside)

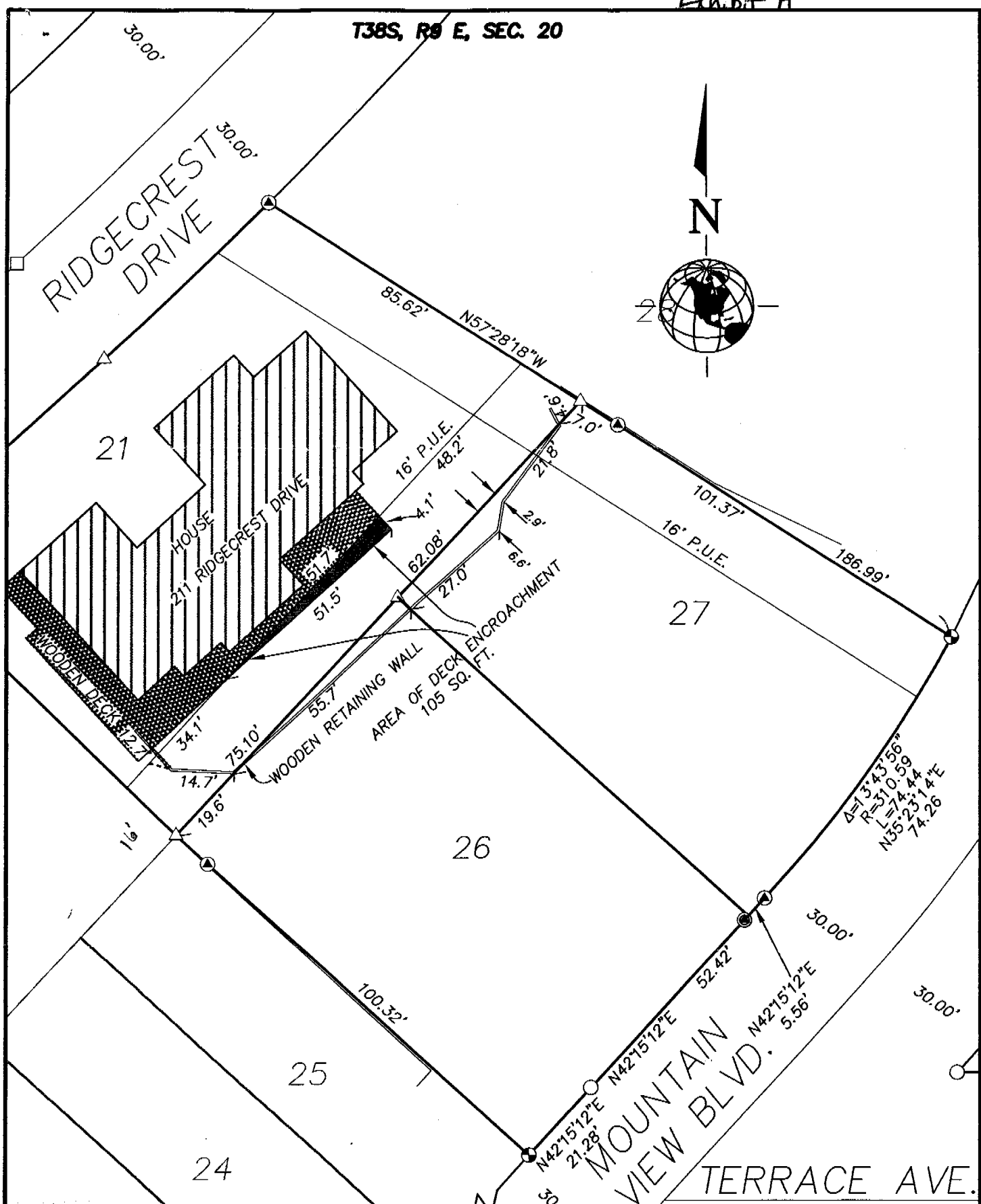
On the 15 day of April, 2009, personally appeared Thomas J. Shaw and Barbara K. Shaw and they acknowledged that said instrument was signed and to be of their voluntary act and deed.

BEFORE ME:



[Signature]
Notary Public for CALIFORNIA
My Commission Expires: 6/28/09

T38S, R9 E, SEC. 20



###	JAB	CHECKED BY:	TH	
DRAWN BY:	JAB	APPROVED BY:		
LAST EDIT:	1/14/09	PLOT DATE:	01/14/09	
DATE	BY	REV	REVISION	CR'D/APPR

TOM AND BARBARA SHAW			
LOTS 21, 26 & 27-TRACT 1145 NOB HILL REPLAT			
SKETCH TO ACCOMPANY			
ENCROACHMENT PERMIT APPLICATION			
KLAMATH FALLS OREGON			
SCALE:	PROJECT NO.	DRAWING FILE NAME:	1 SHEET 1
1" = 30'	34386	34386-SURV-EX00	