

2009-007393

Klamath County, Oregon



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05/27/2009 03:50:41 PM

Fee: \$31.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Basin Transit Service Transportation District
1130 Adams 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 Basin Transit Service Transportation District (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 Adams Street right-of-way in the City of Klamath Falls along the westerly side of, and for the benefit of, the property located at 1903 Wantland Avenue (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of placing asphalt and installing a chain link 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 fence and for all expenses for removal of the fence, 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 22nd day of April, 2009.

CITY OF KLAMATH FALLS

By: [Signature]
City Manager


Attest: [Signature]
City Recorder

BASIN TRANSIT SERVICE
TRANSPORTATION DISTRICT

By: [Signature]
Name: Ernest Palmer
Title: General Manager

STATE OF OREGON)
) ss.
County of Klamath)

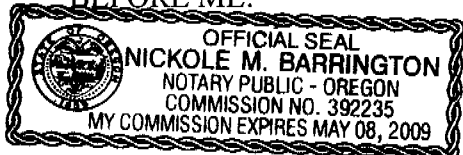
On the 11th day of May, 2009, personally appeared Jeffrey D. Ball and Elisa D. Olson, who, each being first duly sworn, did say that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:  OFFICIAL SEAL
SHIRLEY F. KAPPAS
NOTARY PUBLIC - OREGON
COMMISSION NO. 395392
MY COMMISSION EXPIRES SEPT. 10, 2009

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

STATE OF OREGON)
) ss.
County of Klamath)

On April 22, 2009, personally appeared Ernest Palmer, who, being first duly sworn, did acknowledge that he/she is the General Manager of Basin Transit Service Transportation District, that the foregoing instrument was signed on behalf of Basin Transit Transportation District, that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

BEFORE ME:  OFFICIAL SEAL
NICKOLE M. BARRINGTON
NOTARY PUBLIC - OREGON
COMMISSION NO. 392235
MY COMMISSION EXPIRES MAY 08, 2009

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

Exhibit A

Encroachment Permit

Exhibit Map

For 1903 Wantland Ave

Lot 1 Blk 3 Industrial Addition

