

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

U. S. Department of the Interior,
Fish & Wildlife Service
1936 California Avenue
Klamath Falls, OR 97601

GRANTOR:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

2009-008501

Klamath County, Oregon



00068114200900085010030034

06/19/2009 09:08:09 AM

Fee: \$31.00

REVOCABLE LICENSE & ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation, (City) and U.S. Department of the Interior, Fish & Wildlife Service (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee and its assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the California Avenue right-of-way in the City of Klamath Falls at 1936 California Avenue (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of permitting the already existing fence and is subject to the following conditions:

- 1) Grantee shall comply with all applicable 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 has submitted as-built drawings to the City's Public Works Department and shall conform to any applicable 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 hold harmless the City from 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 2nd day of ~~May~~ June, 2009.

CITY OF KLAMATH FALLS

GRANTEE—U.S. Department of the Interior
Fish & Wildlife Service

By: [Signature]

City Manager

By: [Signature]

Name: Kathleen Bru Baker

Title: Field Supervisor

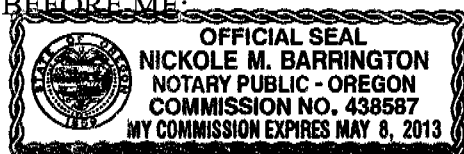
Attest: [Signature]

City Recorder

STATE OF OREGON)
) ss.
County of Klamath)

On the 3rd day of June, 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:

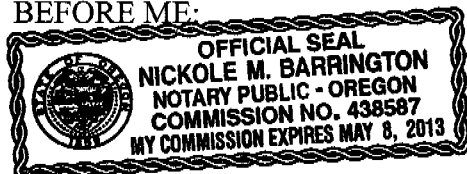


[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2013

STATE OF OREGON)
) ss.
County of Klamath)

On June 2, 2009, personally appeared Kathleen Bru Baker, who, being first duly sworn, did acknowledge that he/she is the Field Supervisor of the U.S. Department of the Interior, Fish & Wildlife Service, that the foregoing instrument was signed on behalf of the U.S. Department of the Interior, Fish and Wildlife Service, 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: 5-8-2013

Buena Vista Addition

