

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601



00086285201000076290040043

06/23/2010 02:38:25 PM

Fee: \$52.00

GRANTEES:

Carson S. and Sharon A. Kendall
2120 Huron 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 Carson S. and Sharon A. Kendall (Grantees) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantees, their successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the Laguna Street right-of-way in the City of Klamath Falls at 2120 Huron Street, more particularly described as Lots 1 and 2 & Vac Por Shasta View St, Block 6, The Terraces (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of installing a vinyl "privacy" fence and is subject to the following conditions:

- 1) Grantees shall comply with all relevant local, state and federal regulations pertaining to Grantees' use of the area, including but not limited to, City Planning and building regulations;
- 2) Grantees 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, such as: the fence shall not extend south of the applicants' south lot line and the fence must be set back from the curb a minimum of 1-foot to provide for a construction clear space for a future curb replacement; and
- 3) Grantees shall be responsible for the maintenance of the vinyl fence for all expenses for removal of the vinyl fence, if required under this license/permit, and for restoration of the right-of-way damaged by maintenance or removal.

Grantees agree 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.

Grantees 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 Grantees' 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, Grantees 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. Grantees agree 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 3rd day of June, 2010.

CITY OF KLAMATH FALLS

By: [Signature]
City Manager

Attest: [Signature]
City Recorder

GRANTEES

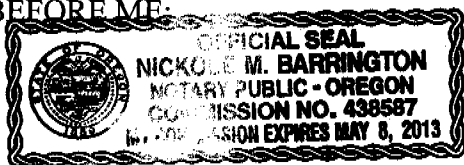
By: [Signature]
Carson S. Kendall

By: [Signature]
Sharon A. Kendall

STATE OF OREGON)
) ss.
County of Klamath)

On the 3rd day of June, 2010, personally appeared Rick Whitlock 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)

This instrument was acknowledged before me on the 3rd day of June, 2010 by Carson S. and Sharon A. Kendall and was their voluntary act and deed.

BEFORE ME:



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

HURON ST

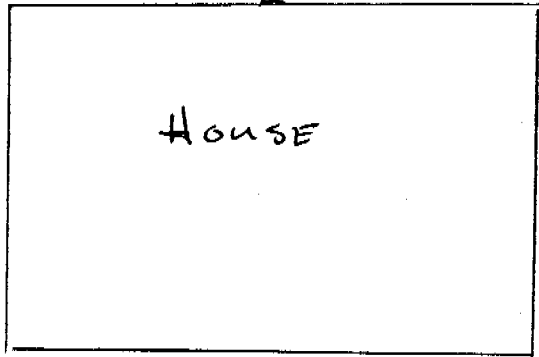
Curb zone

53'

OWNER PROPERTY LINE

2120 HURON

1" = 20'



5 1/2'
ENCROACHMENT

115'

LAGUNA ST

NORTH

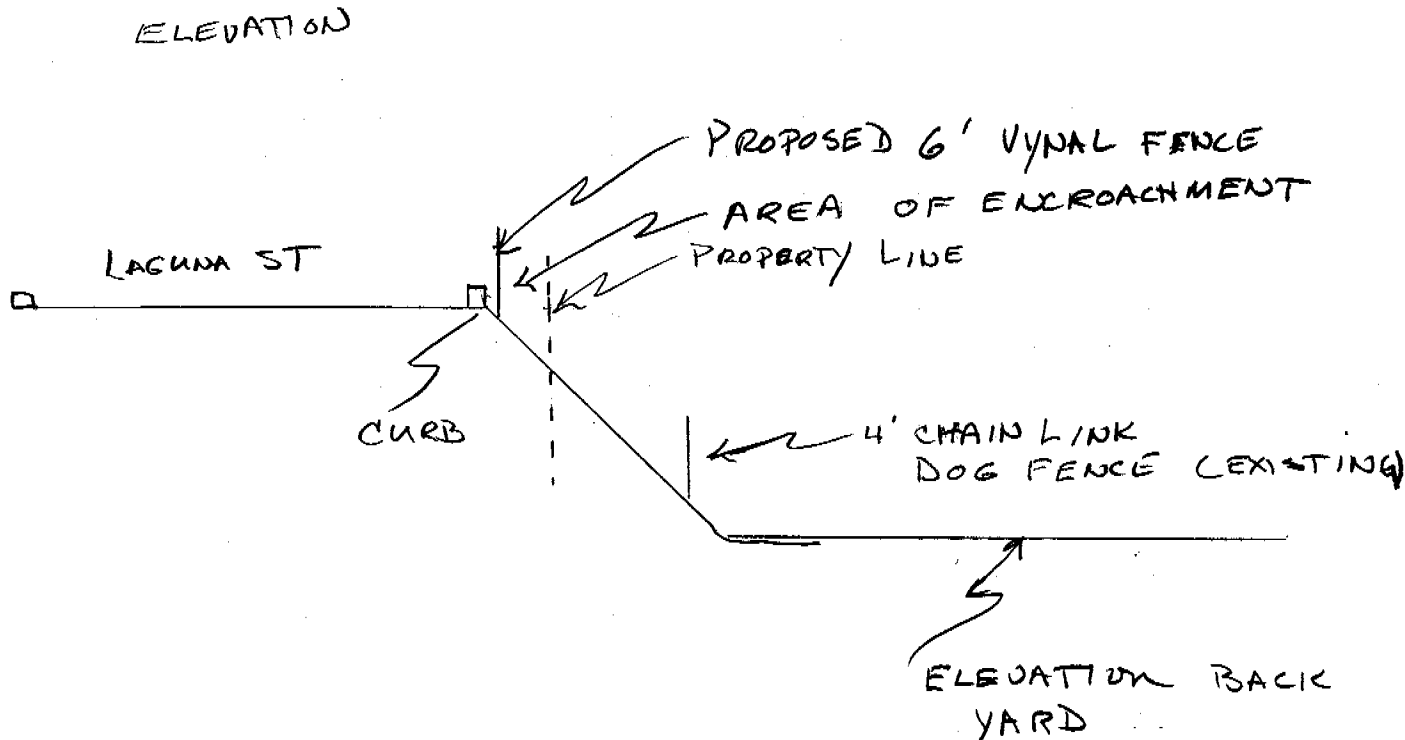
PROPOSE FENCE

6' HIGH
LYNAL CHESTER FIELD
FENCE
(SEE SUPERIOR FENCE
DETAIL)

DRAWN BY:
CARSON KENDALL / OWNER
04/13/2010
1" = 20'

CARSON KENDALL
2120 HURON ST
KLAMATH FALLS OR 97601
1" = 20'

04/13/2010



* THE GRADE DROP OFF BEGINS ABRUPTLY AT THE BACK SIDE OF THE LAGUNA ST CURB AND IS ALL BARE SOIL - THE PROPOSED FENCE WILL PROVIDE A BARRIER TO PREVENT ACCIDENTAL FALLS DOWN THE STEEP EMBANKMENT

THE FENCE WILL HELP TO RESTORE THE PRIVACY LOST AS A RESULT OF THE JULY 4, 2009 FIREWORKS RELATED FIRE THAT DESTROYED THE SHRUBBERY AND TREES IN THE PROPOSED ENCROACHMENT AREA .

THE PROPOSED FENCE WILL ALSO PROVIDE A VISUAL ALERT TO TRAFFIC ROUNDING ONTO LAGUNA ST FROM LOMA LINDA ST AND HEADING DOWNHILL OF THE STEEP SLOPE,