

**2011-007634**

**Klamath County, Oregon**

**AFTER RECORDING RETURN TO:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601



06/24/2011 03:12:07 PM

Fee: \$47.00

**GRANTEE:**

Robert Bogatay  
PO Box 493  
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 Robert Bogatay (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 Hillside Avenue right-of-way in the City of Klamath Falls at 515 Hillside Avenue (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of installing a block landscaping wall 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 block landscape retaining wall and for all expenses for removal of the block landscape retaining wall and, 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 14th day of June, 2011.

CITY OF KLAMATH FALLS

GRANTEE

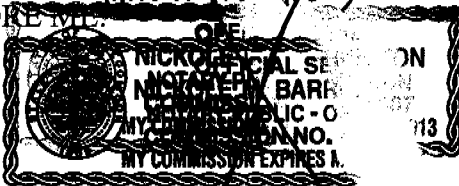
By: [Signature]  
City Manager

By: [Signature]  
Robert Bogatay - Property Owner

Attest: [Signature]  
City Recorder

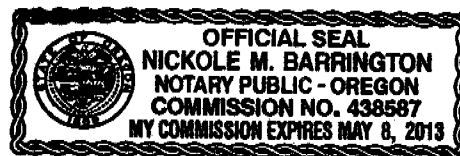
STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

On the 14th day of June, 2011, 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: (Not on Flat Surface)  
ON

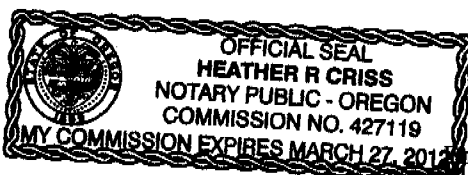
[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-8-2013

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

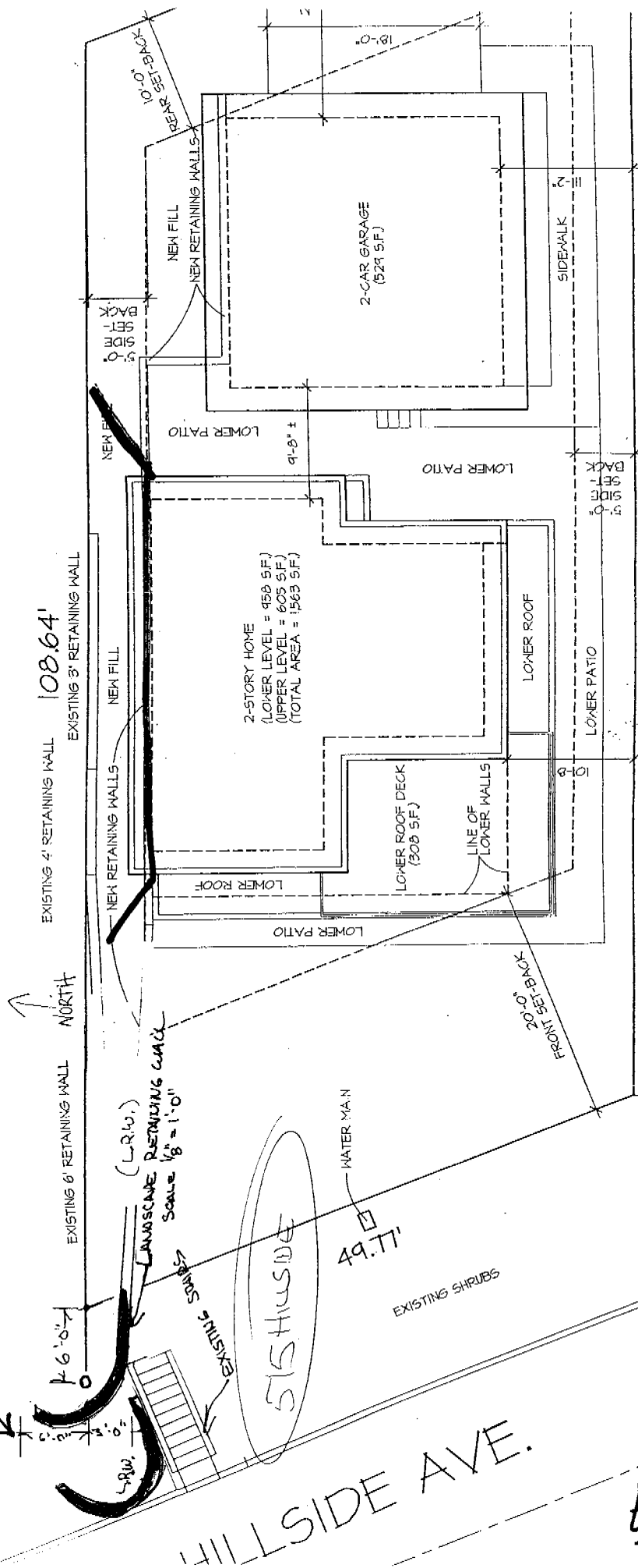


This instrument was acknowledged before me on the 14th day of June, 2011 by Robert Bogatay, property owner.

BEFORE ME: [Signature]  
Notary Public for Oregon  
My Commission Expires: 3-27-2012



Encroachment  
Area 7



EXISTING RETAINING WALL TO REMAIN

CITY OF KLAMATH FALLS PLANNING DEPARTMENT  
**APPROVED**  
 (17-E-10)  
 FILE NUMBER  
 3-8-10  
 DATE  
 SIGNATURE *[Signature]*

108.57'

HILLSIDE AVE.

Exhibit A