

2012-009290

Klamath County, Oregon



00123137201200092900040041

08/22/2012 12:30:10 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Ralph Parker Eccles, Trustee and
Carrie Atwell Ganong, Trustee
on behalf of the Ganong-Eccles Family Trust
1984 Auburn 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 Ralph Parker Eccles, Trustee & Carrie Atwell Ganong, Trustee on behalf of the Ganong-Eccles Family Trust (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 Pacific Terrace right-of-way in the City of Klamath Falls at 1984 Auburn Street (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of installing geothermal tubing in the sidewalk & the concrete approach to the driveway 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; Grantee shall also register with the Oregon Utility Notification Center at 1-800-332-2344;
- 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 geothermal tubing located in the sidewalk and concrete approach and for all expenses related to the removal of all geothermal tubing materials located in the sidewalk and concrete approach, 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 25th day of July, 2012.

CITY OF KLAMATH FALLS

By: [Signature]
City Manager

Attest: Nickole Barrington
City Recorder - PARALEGAL

GRANTEE-Ralph Parker Eccles, Trustee
Carrie Atwell Ganong, Trustee, on behalf
of the Ganong-Eccles Family Trust

By: [Signature]
Ralph Eccles - Trustee

By: [Signature]
Carrie Ganong - Trustee

STATE OF OREGON)
) ss.
County of Klamath)

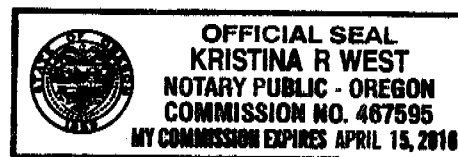
On the 25th day of July, 2012, personally appeared Rick Whitlock and Nickole Barrington, who, ~~Elisa D. Olson~~, who, ~~City Recorder~~ PARALEGAL of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:



STATE OF OREGON)
) ss.
County of Klamath)

Kristina R. West
Notary Public for Oregon
My Commission Expires: April 15, 2016



This instrument was acknowledged before me on the 25th day of July, 2012 by Ralph Eccles as Trustee and Carrie Ganong, as Trustee and was their voluntary act and deed, performed on behalf of the Trust.

BEFORE ME:



Kristina R. West
Notary Public for OREGON
My Commission Expires: April 15, 2016



ONE-SHEET PLOT PLAN

Drawn by: BRIAN CONOVER

Date: 5-24-12

Scale: NOT TO SCALE

