AFTER RECORDING RETURN TO:
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:
Rickie A. Gable
1434 Johnson Avenue
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 Rickie A. Gable (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, revocable, non-exclusive permission to encroach upon Johnson Ave in the City of Klamath Falls located at 1434 Johnson Avenue (as shown on attached map Exhibit "A," and referred to herein as the "Area"). This license/permit is granted for the limited purpose of building a retaining wall along curb in ROW, as referenced in Exhibit map. This license/permit 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. City agrees to place street barricades at the westerly and easterly boundaries of the Area at City's expense; and

3)   Grantee shall be responsible for the maintenance and upkeep of the Area, for all expenses for removal of the Area improvements if required under this license/permit, and for restoration of the right-of-way damaged by maintenance, upkeep or removal.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of ($92) for recording costs/permit fee, 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 and improvements herein authorized and restore the unimproved 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 or improvements 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 _19th_ of _June_, 2020.

CITY OF KLAMATH FALLS

By: _____
City Manager

Attest: _____
City Recorder

GRANTEE

By: _____
Rickie A. Gable

STATE OF OREGON   )
) ss.
County of Klamath)

On the _19th_ day of _June_, 2020, personally appeared Nathan Cherpeski and Nickole Barrington, 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:

_____
Notary Public for Oregon
My Commission Expires: _9-9-23_

> OFFICIAL STAMP
> ANGELA HARTZ
> NOTARY PUBLIC-OREGON
> COMMISSION NO. 991467
> MY COMMISSION EXPIRES SEPTEMBER 09, 2023

STATE OF OREGON   )
) ss.
County of Klamath)

On the _19th_ day of _June_, 2020, personally appeared Rickie A. Gable, who, being first duly sworn, did acknowledge that he/she is authorized to execute this instrument and that this instrument is their voluntary act and deed.

BEFORE ME:

_____
Notary Public for Oregon
My Commission Expires: _9-9-23_

> OFFICIAL STAMP
> ANGELA HARTZ
> NOTARY PUBLIC-OREGON
> COMMISSION NO. 991467
> MY COMMISSION EXPIRES SEPTEMBER 09, 2023

Exhibit A

Cut & gutter plate
as per city

Encroachment

Down ⟶

exsting   16'
proposed   20'

Paved

Johnson Av   Down ⟶

Existing approach   22'

16'
Existing approach

1404 Johnson Av
Rick & Nancy Gable

Retainer rail
6"x 6"PT
8:2 o/c

24"

48"

30'

73' 6"

N ⟶