

Returned at Counter

**After Recording Return to:**

City Recorder  
500 Klamath Avenue  
Klamath Falls, OR 97601

**2023-004576**

**Klamath County, Oregon**



00315808202300045760020021

06/14/2023 02:44:26 PM

Fee: \$87.00

**LOCAL IMPROVEMENT CONTRACT**

*City of Klamath Falls, Oregon*

This Agreement is entered into this 13<sup>th</sup> day of June 2023, by and between the City of Klamath Falls (City) and Rookstool Moden Realty, LLC (Owner).

WHEREAS, Owner is the legal owner of the following described real property (Property):

Map and Tax Lot Number: 3809-019DC-08300

Legal: Lot 3 Block 23 of Buena Vista Addition

Property Address: 516 Mt Pitt Street

WHEREAS, Owner desires to develop the Property listed above which abuts a right-of-way (ROW) which does not meet City frontage improvement standards;

WHEREAS, development of the Property will contribute to the need for and benefit from the construction of ROW frontage improvements meeting City standards which may include but not be limited to curbs, gutters, sidewalks, planter strips, and storm drains;

WHEREAS, a condition of Owner's land use approval from City for the development of the Property through issuance of City Residential Review 16-RR-23 is Owner's agreement to waive the right to remonstrate against the formation of a Local Improvement District (LID) for the future construction of ROW frontage improvements meeting City standards; and

NOW THEREFORE, in consideration of the foregoing recitals and the conditions and obligations set forth herein:

**THE PARTIES HERETO AGREE AS FOLLOWS:**

1. City agrees not to require Owner to improve the ROW abutting the Property to City standards at this time. In the event and at such time as the City initiates the formation of a LID, Owner hereby waives any and all right to remonstrate against the formation of a LID by the City for the purpose of funding and construction ROW frontage improvements meeting City standards adjacent to the Property legally described as Lot 3 Block 23 of Buena Vista Addition frontage and assessing the proportionate cost to the benefited Property.

The phrase "right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter Section 38 to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on formation of an LID for six months. The waiver of this right does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify regarding formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

2. City agrees that a LID assessment levied against Owner's Property shall not exceed the benefit conferred upon the Property.
3. In the event that a suit or action is instituted to enforce the terms of this covenant, the prevailing party shall be entitled to recover reasonable attorney's fees and all other fees, costs and expenses incurred in connection with the suit or action, including any appeals, in addition to all other amounts allowed by law.
4. This Agreement shall run with the property and shall be binding upon and inure to Owner and Owner's successors in interest to the Property.

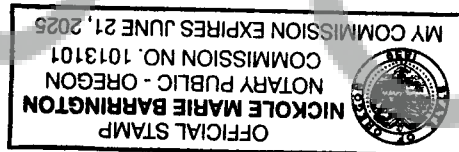
By: Jonathan Teichert 6/13/23  
City Manager Date

Jack Rookstool 6-13-23  
Property Owner Date

Darren Brooks 4/13/23  
Property Owner Date

STATE OF OREGON )  
County of Klamath ) ss.

This instrument was acknowledged  
before me this 13th day of June 2023  
and signed by Jonathan Teichert (City  
Manager).



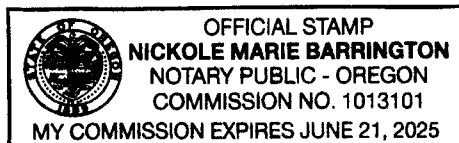
NOTARY for the State of Oregon

Nickole Marie Barrington  
Signature of Notary

Commission Expires: 4/21/2025

STATE OF OREGON )  
County of Klamath ) ss.

This instrument was acknowledged  
before me this 13th day of June 2023  
and signed by Rookstool Moden  
Realty, LLC (Property Owner). Signed by  
Jack Rookstool and Darren Brookshire.



NOTARY for the State of Oregon

Nickole Marie Barrington  
Signature of Notary

Commission Expires: 4/21/2025