

M06-09088

Klamath County, Oregon

05/08/2006 02:14:00 PM

Pages 2 Fee: \$26.00

AFTER RECORDING RETURN TO:

ole City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

ORIGINAL GRANTOR:

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

SUCCESSOR GRANTEE:

KB Brewing, Inc.
1320 Main Street
Klamath Falls, OR 97601

**TERMINATION OF ENCROACHMENT PERMIT AGREEMENT
RECORDED AT VOLUME M82, PAGES 6887-6888**

On May 18, 1982, the City of Klamath Falls, Oregon ("City") granted the Klamath Falls Creamery permission to encroach into the air space over the Klamath Avenue public right-of-way between Lot 8, Block 10 and Lot 2D, Block 4, both in the Railroad Addition to the City of Klamath Falls according to the official plat thereof on file in the records of Klamath County, Oregon. An "Encroachment Permit Agreement" ("Agreement") setting forth the terms of the encroachment was recorded in the deed records of Klamath County at M82, pages 6887-6888.

KB Brewing, Inc. ("KB Brewing") is the current owner of Lot 8, Block 10 and is a successor in interest of the original Grantee, Klamath Falls Creamery. KB Brewing no longer has need for such encroachment and the City and KB Brewing intend by this document to terminate the Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, and pursuant to the terms of the Agreement, City and KB Brewing hereby terminate the Agreement recorded at M82, pages 6887-6888, the effect of said termination being that the permission to encroach into the air space above Klamath Avenue is hereby revoked and KB Brewing and its heirs, successors and assigns no longer have any right to encroach in said air space.

IN WITNESS WHEREOF, We have hereunto set our hands this 5th day of May, 2006.

ORIGINAL GRANTOR:
CITY OF KLAMATH FALLS

By: [Signature]
Jeff Ball, City Manager

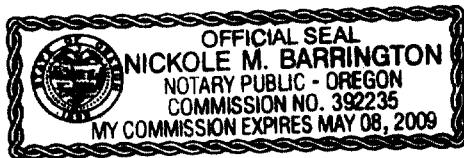
Attest: [Signature]
Elisa D. Olson, City Recorder

SUCCESSOR GRANTEE:
KB BREWING INC

By: [Signature]
Name: DEL A. AZEVEDO
Title: PRESIDENT

STATE OF OREGON)
) ss.
County of Klamath)

On 4/27/06, 2006, personally appeared Del A. Azevedo, who, being duly sworn, acknowledged to me that he is the representative for KB Brewing Inc., that the foregoing instrument was signed on behalf of KB Brewing Inc., that he is authorized to execute this instrument and that the foregoing instrument is the voluntary act and deed of KB Brewing Inc.

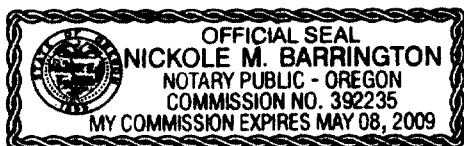


WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2009

STATE OF OREGON)
) ss.
County of Klamath)

On the 5th day of May, 2006, personally appeared Jeff Ball and Elisa D. Olson, who, each being first duly sworn, did acknowledge that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, that the instrument was signed on behalf of said municipal corporation and that this instrument is the voluntary act and deed of the City.



WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2009