



00178512201500123320030035

11/10/2015 03:36:44 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTEE:

Zelia Flannery
18970 Pinehurst Road
Bend, OR 97701

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 Zelia Flannery (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 Klamath Avenue right-of-way in the City of Klamath Falls at 1320 Main Street (as shown on the attached map Exhibit "A"). This license/permit is granted for the limited purpose of allowing the siting of a new malt barley silo on the south side to the Klamath Basin Brewing Co. building 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 malt barley silo for all expenses for removal of the malt barley silo, 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 One Hundred Two Dollars (\$102.00), 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 2nd day of ~~March~~ November, 2015.

CITY OF KLAMATH FALLS

By: [Signature]
City Manager

GRANTEE

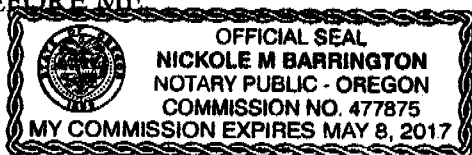
By: [Signature]
Zelia Flannery

Attest: [Signature]
City Recorder

STATE OF OREGON)
) ss.
County of Klamath)

On the 2nd day of ~~March~~ November, 2015, personally appeared Nathan Cherpeski 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:

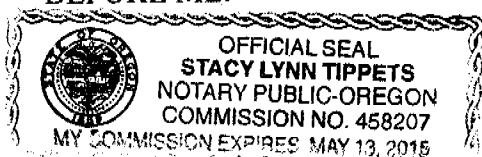


[Signature]
Notary Public for Oregon
My Commission Expires: 5-8-2017

STATE OF OREGON)
 Deschutes) ss.
County of ~~Klamath~~ Deschutes)

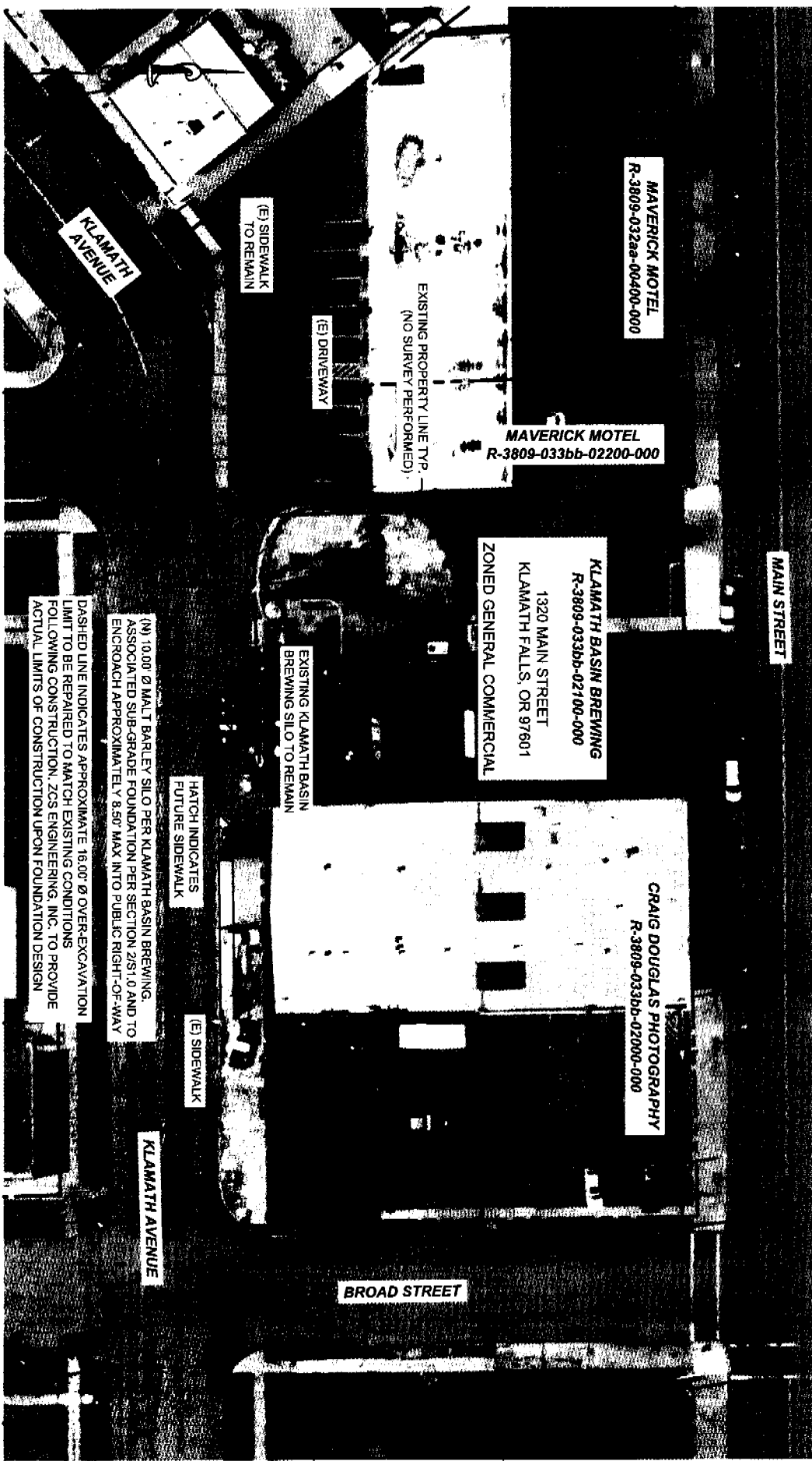
On the 6 day of ~~March~~ April, 2015, personally appeared Zelia Flannery, who, being first duly sworn, did acknowledge that he/she is the authorized representative of the Klamath Basin Brewing Co. and that the foregoing instrument was signed on behalf of the Klamath Basin Brewing Co. and that he/she is authorized to execute this instrument and that this instrument is the voluntary act and deed of that entity.

BEFORE ME:



[Signature]
Notary Public for Oregon
My Commission Expires: May 13, 2015

Exhibit "A"



1
C1.0
EXISTING CONDITIONS
1" = 50'

KLAMATH BASIN BREWING

MALT SILO
FEASIBILITY



ZBINDEN • CARTER • SOUDERS
ENGINEERING
900 Klamath Avenue, Klamath Falls, OR 97601
(541) 884-7421

PROJECT NO:	K-5526-14
DRAWN:	KMW
CHECKED:	RCC
DATE:	12-24-14

C1.0

FOR AGENCY REVIEW / NOT FOR CONSTRUCTION