

**CITY OF WARRENTON
CITY COMMISSION
RESOLUTION
FREE WILLY BAIT & TACKLE LEASE**

WHEREAS, the City is the Lessor under a Sublease Agreement, dated on or about April 16, 1997, and as amended on August 19, 1998, between David Rogers and Patricia Rogers, d/b/a Free Willy Bait and Tackle, and hereinafter referred to as "the Lease".

WHEREAS, paragraph (6) Right of Assignment prohibits the assign and transfer without the written consent of the City being first obtained.

WHEREAS, David Rogers is deceased, being Clatsop County Probate Case No. 02-083.

WHEREAS, Patricia Rogers has requested the assignment to Kasey Rogers and Daniel Rogers and release of liability from her obligations to the City under the Lease.

WHEREAS, the City has been inadequate time to evaluate whether the release of Patricia Rogers of liability is in the City's interest and further whether the assignment is in the City's interest.

IT IS THEREFORE RESOLVED THAT, the City conditionally consents to the assignment of the transfer of the Lease to Kasey Rogers and Daniel Rogers of the Lease for a period until September 23, 2004. During this period, Kasey Rogers and Daniel Rogers, shall provide and maintain evidence of the following:

1. Evidence of the ODF&W licensing;
2. Appropriate insurance as required by the lease;
3. City of Warrenton business license;
4. Evidence of the OLCC license;
5. The food handlers certificate through Oregon Department of Human Services;
6. Provide for the Mercury Outboard repair service;
7. Offer such other services at the concession and in such a manner that is complimentary to the mooring basin; and,
8. Satisfactorily perform all other terms and conditions of the Lease.

Commencing after Labor Day 2004, the City will conduct a review of the Lease for a determination of whether the consent will be made permanent and Patricia Rogers will be released from all liability under the Lease.

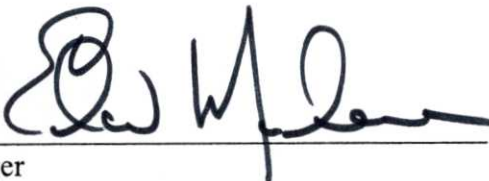
Dated 23rd day of June 2004.

APPROVED:



Mayor

ATTEST:



City Manager

