



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of September 3, 2008

Please see directions for completing this document on the next page.

DATE: August 27, 2008

FROM: Teresa Rozic Property and Facilities 385-1414

TITLE OF AGENDA ITEM:

Consideration of Approval of County Administrator Signature of Document 2008-490, a Revocable License to American Legion Post #45 regarding Use of the County's La Pine Facility Parking Lot.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

The American Legion Post #45 in La Pine is a public benefit nonprofit organization. They are sponsoring two craft fairs as fundraisers for the La Pine community. This revocable license gives the American Legion Post #45 permission to use part of the South County Services Building parking lot for the fundraisers.

FISCAL IMPLICATIONS:

None. In consideration for the public benefit the fundraisers provide, Deschutes County will not charge rent for using a portion of the parking lot.

RECOMMENDATION & ACTION REQUESTED:

Staff recommends signature of Document 2008-490.

ATTENDANCE: Teresa Rozic

DISTRIBUTION OF DOCUMENTS:

One fully signed original to Teresa Rozic for the Licensee.

DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections above the Official Review line.

Date: 08/27/2008 **Department:** Property and Facilities
Contact Person: Teresa Rozic **Phone #:** 385-1414

Contractor/Supplier/Consultant Name: American Legion Post #45

Goods and/or Services: Revocable License

Background & History: The American Legion Post #45 in La Pine is a public benefit nonprofit organization. They are sponsoring two craft fairs as fundraisers for the La Pine community. This revocable license gives the American Legion Post #45 permission to use part of the South County Services Building parking lot for the fundraisers.

Agreement Starting Date: 09/12/2008 **Ending Date:** 10/12/2008

Annual Value or Total Payment: None - consideration is the public benefit

Insurance Certificate Received (check box)
Insurance Expiration Date: 02/11/2009


Check all that apply:

- RFP, Solicitation or Bid Process
- Informal quotes (<\$150K)
- Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget? Yes No

If **No**, has budget amendment been submitted? Yes No

Departmental Contact: Teresa Rozic **Phone #:** 385-1414 **Title:** Property Specialist

Department Director Approval:  8/27/08
Signature Date

Distribution of Document: One original to Teresa Rozic for the Licensee

Official Review:

County Signature Required (check one): BOCC Department Director (if <\$25K)

Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. _____)

Legal Review _____ Date _____

Document Number ~~DC 2008-490~~

Business Registry Business Name Search

New Search

Business Entity Data

08-25-2008

10:46

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
117547-10	DNP	ACT	OREGON	10-11-1976		10-11-2008
Entity Name	THE AMERICAN LEGION, LAPINE POST #45					
Foreign Name						
Non Profit Type	PUBLIC BENEFIT WITH MEMBERS					

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	52532 DRAFTER RD			
Addr 2				
CSZ	LA PINE	OR	97739	Country UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	09-11-2000	Resign Date	
Name	PATRICK	L	COTTON			
Addr 1	52532 DRAFTER RD					
Addr 2	PO BOX 590					
CSZ	LA PINE	OR	97739	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	PO BOX 590			
Addr 2				
CSZ	LA PINE	OR	97739	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	CYRUS		MOHR		
Addr 1	PO BOX 3157				
Addr 2					
CSZ	LA PINE	OR	97739	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	PATRICK	L	COTTON		
Addr 1	PO BOX 397				
Addr 2					
CSZ	LA PINE	OR	97739	Country	UNITED STATES OF AMERICA

REVIEWED

LEGAL COUNSEL

REVOCABLE LICENSE

DESCHUTES COUNTY, a political subdivision of the State of Oregon (County) hereby grants AMERICAN LEGION POST #45, a public benefit nonprofit organization, (Licensee), a non-exclusive revocable license to use County real property described as the South County Services Building, 51340 Highway 97, La Pine, Oregon, and shall be referred to herein as "Parcel".

RECITALS

County owns Parcel for the principal purpose of providing county services during County's customary business hours, Monday through Friday 8:00 am to 5:00 pm. Licensee conducts craft fairs as fundraisers for the La Pine community. In consideration for the public benefit Licensee provides, County is willing to grant Licensee a non-exclusive, revocable license to allow Licensee to conduct two (2) craft fairs in the Parcel parking lot.

NOW THEREFORE, this revocable license is granted upon the following terms and conditions:

1. The term of the license is September 12, 2008 through midnight October 12, 2008, a period of thirty-one (31) days.
2. The use of Parcel shall be for the limited purpose of conducting a craft fair.
3. Licensee shall maintain the Parcel parking lot in a clean and safe condition. Licensee understands and agrees that members of the public routinely use Parcel for vehicular parking throughout the day. County's granting of this license and Licensee's use thereof shall not be construed as assuring available parking or in any way creating an agency relationship or partnership between the two parties.
4. Licensee, its employees, agents and invitees, shall exercise the privileges contained herein at their own risk. Licensee shall defend, indemnify and hold County, its officers, agents and employees harmless from and against all liability for damages, injuries, costs and expenses, arising out of, or in any way connected with the occupation or use of Parcel or any failure on the part of Licensee, its employees, agents or invitees to perform fully any and all conditions of this license. Licensee shall obtain and maintain throughout the term of this license a commercial general liability insurance policy on an occurrence basis in an amount of \$500,000 per occurrence, \$1,000,000 in the aggregate, together with an endorsement, naming the County as an additional insured. Before this license is effective, Licensee shall furnish satisfactory proof of insurance and endorsement.

5. Licensee shall keep Parcel free and clear from any and all liens and encumbrances and Licensee shall be fully responsible for any claim of damage, cost or expense on account of such use of the by others.

6. County may revoke this License at any time upon giving Licensee not less than ten (10) days written notice of its intent to do so. Termination or revocation of this license shall not affect the accrual of any cause of action which might arise while this license was in effect.

Any notice by Licensee to Licensor or Licensor to Licensee must be served by certified or registered mail, postage prepaid, addressed to the other at the address given below or at such other address as either may designate by written notice.

Licensor:

Deschutes County Property Management
14 NW Kearney St.
Bend, Oregon 97701
Fax: 317-3168

Licensee:

American Legion Post #45.
PO Box 590
La Pine, Oregon 97739
Fax:

7. Nothing contained herein shall be construed as allowing Licensee permission to erect any fixture or permanent sign on the Parcel.

8. In the event this license is revoked, County shall not be liable to Licensee and Licensee hereby releases and discharges County, its officers, agents and employees from any liability, cost or damage arising from or in any way related to County's action.

9. If suit or action is brought to enforce the terms of this License or to cause discontinued use of the Parcel, then the prevailing party shall be entitled to attorneys' fees, in addition to costs and disbursements as awarded by the trial court and in any appeal therefrom by the appellate court.

COUNTY:

Deschutes County

LICENSEE:

American Legion Post #45

By: _____
Dave Kanner
County Administrator

By: Robert C. Hubbard
Name: ROBERT HUBBARD
Title: POST 45 COMMANDER

Date: _____

Date: 8-26-08