

# RIGHT OF WAY PERMIT

## KNOW ALL MEN BY THESE PRESENTS THAT:

The City of Kirksville, Missouri, a municipal corporation, hereinafter referred to as the GRANTOR, for one dollar and other valuable consideration, does grant to Maxwell's, a local business, hereinafter referred to as the GRANTEE, a conditional and temporary permit over, under, in and across a portion of certain real estate located in Adair County, Missouri, and more particularly described as:

Commencing at the Northwest corner of Lot 1, Block 1, Original Town of Kirksville, Missouri, the true Point of Beginning for this description, thence thirty-three feet East, thence fifteen feet South, thence thirty-three feet West, thence fifteen feet North to the Point of Beginning to wit.

The Grantee shall be allowed to use a portion of the property an area of 15' by 33' approximately three (3) parking spaces for the construction of an enclosure to hold and secure a dumpster, a grease receptacle and a meat smoker for use by the Grantee. This permit is granted conditioned upon the following requirements:

- Grantee shall construct and maintain at the Grantee's sole expense an enclosure(s) on the property in full compliance with applicable city building codes and install electrical service as needed to operate a smoker and lighting, if applicable, in full compliance with existing building codes.
- The grantee shall provide the Grantor with access to the permit area when and if the Grantor wishes to perform maintenance on the surface of the property in conjunction with the resurfacing and maintenance of the balance of the Grantor's owned property which serves as a public parking lot.

The use of this property shall terminate and permit voided should Grantee cease to operate said business at 215 W. Washington, or fail to comply with provisions of this permit. Upon termination of this permit, the Grantee shall remove the enclosure, electrical service, dumpster, grease receptacle and meat smoker and return property to proper order.

Grantor covenants that the Grantor is lawfully in possession of the land described above, that the Grantor does not relinquish underlying title to the land herein described, and that the Grantor has the right to grant this conditional and temporary permit which shall run with the property until terminated as provided herein.

IN WITNESS WHEREOF, THE GRANTOR has hereto executed these presents this 15<sup>th</sup> day of June, 2015.

GRANTOR:

---

Richard Detweiler, Mayor

ATTEST:

---

Vickie Brumbaugh, City Clerk