

Return To:  
City of Miles City, Montana  
P.O. Box 910  
Miles City, MT 59301

**175550 Fee: \$31.00**

Custer County Recorded 9/11/2020 At 11:55 AM  
Linda Corbett, Clk & Rcdr By Ash Wagner  
Return to: City of Miles City P.O. Box 910  
MILES CITY MT 59301

**RESOLUTION NO. 4367**

**A RESOLUTION GRANTING A REVOCABLE LICENSE TO OTIUM BREWING LLC FOR AN ENCROACHMENT UPON CITY OF MILES CITY RIGHT OF WAY FOR BRIDGE STREET AND SOUTH 9<sup>TH</sup> STREET, FOR THE BENEFIT OF THE SOUTH 42' OF LOTS 8-10 IN BLOCK 61 OF THE ORIGINAL TOWNSITE TO THE CITY OF MILES CITY.**

*WHEREAS*, Otium Brewing LLC has made application for an encroachment upon the right of way of Bridge Street and South 9<sup>th</sup> Street adjacent to the following described real property located in Miles City, Custer County, Montana owned by Otium Brewing LLC:

The South 42' of Lots 8-10 in Block 61 of the Original Townsite to the City of Miles City, Custer County, Montana according to the plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana.

*AND WHEREAS*, such encroachment consists of a see-through construction fenced patio seating area to be constructed on a portion of the sidewalk and within the right of way for Bridge Street and South 9<sup>th</sup> Street as depicted in the attached Exhibit "A";

*AND WHEREAS*, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable; and will promote downtown tourism and foot traffic within the downtown area.

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

It does hereby authorize and grant to Otium Brewing LLC a revocable license to erect and maintain a see-through construction fence and patio seating on the above described right of way, as depicted in the attached Exhibit "A," and subject to the following terms and conditions:

1. The licensee shall maintain the fencing and patio seating in good and slightly condition at all times;
2. All construction and maintenance of fencing and patio seating shall be at licensee's expense;
3. The licensee shall ensure that said patio area is insured for liability under a policy of commercial liability insurance which covers the buildings and brewery premises operated by licensee;
4. The licensee shall ensure that the Montana Department of Revenue has approved said patio location for service of alcoholic beverages;
5. This license shall terminate and licensee shall, at licensee's expense, completely remove the fence and patio seating from the City of Miles City right of way and restore the location to its original condition upon ninety (90) days advanced written notice to licensee by the City of Miles City;
6. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein; and Otium Brewing LLC shall reimburse the City of Miles City the sum of \$21.00 for recording the cost of recording this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

*Kathryn L Wilcox*  
 \_\_\_\_\_  
 John Hollowell, Mayor  
 Kathryn L. Wilcox, Council President

ATTEST:

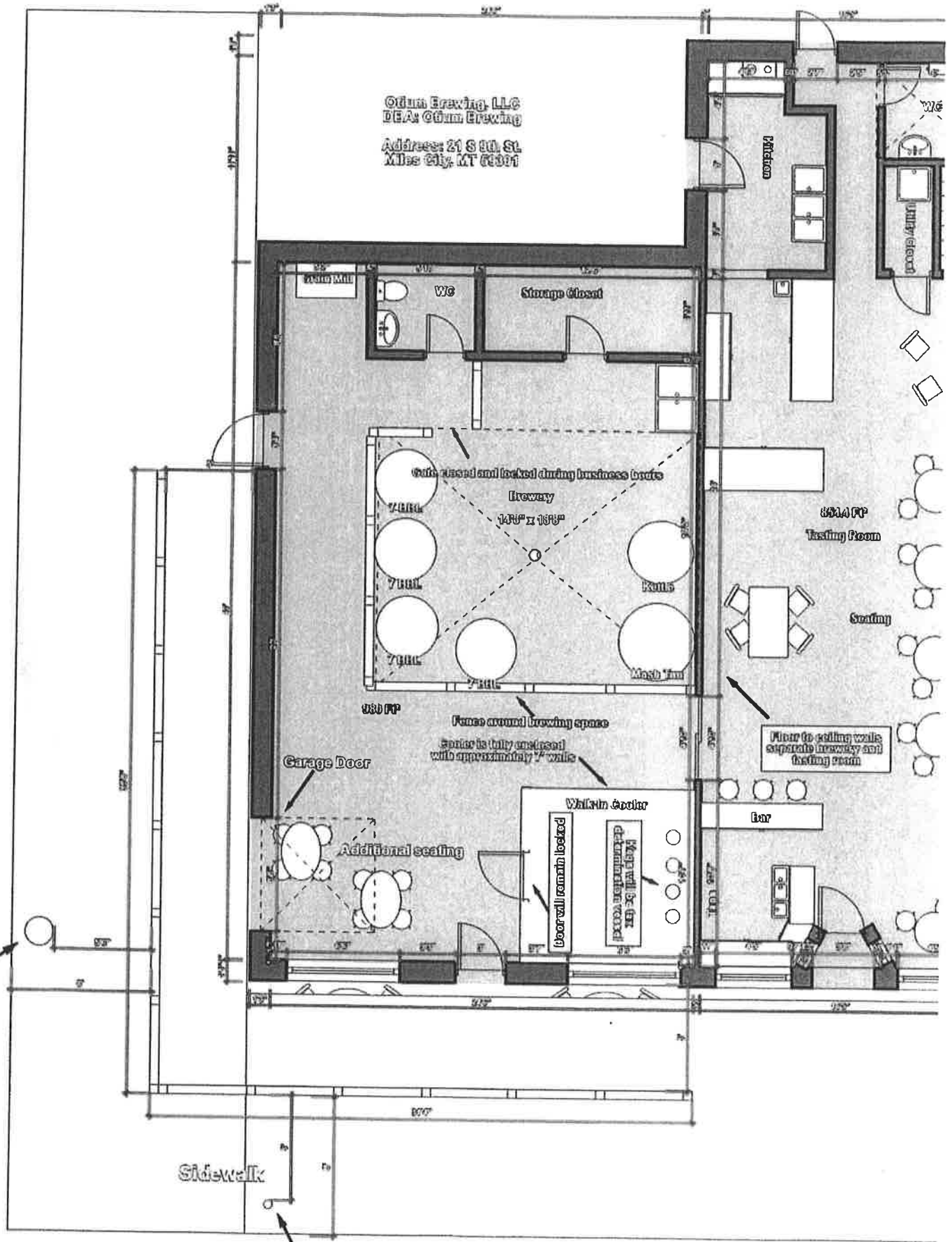
*Lorrie Pearce*  
 \_\_\_\_\_

Lorrie Pearce, City Clerk

I, the undersigned being the duly qualified and acting City Clerk of the City of Miles City, Montana, hereby certify that the above is a full, true and correct copy of the original Resolution No. 436T on file and of record in my office.

*Lorrie Pearce*  
 \_\_\_\_\_  
 City Clerk

O'Jum Brewing, LLC  
DBA: O'Jum Brewing  
Address: 21 S 8th St  
Missoula, MT 59804



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