

July 21, 2015

Mr. Rick Hazen
Old Texas Brewing Co.
112 W. Ellison St.
Burleson, TX 76028

RE: Letter Agreement – Old Texas Brewing Co.

Mr. Hazen –

Old Texas Brewing Co. (“OTB”) has requested a temporary right-of-way use agreement with the City of Burleson (“City”). This request includes certain public parking spaces as shown on Exhibit A attached. The purpose of the agreement is the temporary installation of tabletop dining, potted plants and generally creating a public space to evaluate the potential for similar uses in the Old Town district in the future.

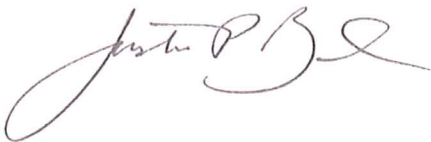
This letter is the formal acceptance by the City of the OTB proposal as shown on an associated sketch, attached as Exhibit B. The program outlined below does not grant permanent rights to Old Texas Brewing Co. (“OTB”) or any affiliated group. The City conditionally grants the use of the parking spaces for the stated purpose from July 21, 2015, to December 31, 2015, upon the following conditions:

1. OTB will bear all costs of tables, plants and any other materials required including the cost of repair or replacement.
2. OTB will create a physical barrier between patrons of the public space and drivers on Ellison Street.
3. All exit pathways, sidewalks and any public access routes shall remain unobstructed at all times.
4. Additional measures for public safety for patrons, pedestrians and drivers in the area may be required by the City at any time.
5. OTB will be responsible for addressing any issues of compliance with the TABC.
6. OTB will clear the area of all debris and trash throughout the day and at the end of the day.
7. OTB will be responsive to concerns expressed by business owners or property owners in the Old Town district.

8. OTB acknowledges that users of the public space are not required to be patrons of its restaurant.
9. The area must remain free of signs that promote OTB or its products.
10. City reserves the right at any time during this period to revoke the granted use of the right-of-way and require the removal of all OTB materials.
11. OTB and the City will evaluate the impact of the modification and present any extension of the agreement to City Council prior to December 31, 2015.
12. OTB agrees to indemnify and hold harmless City and utility providers from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement/right-of-way or act of omission, neglect or wrong doing of OTB, its officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and OTB shall, at its own cost and expense, defend and protect City and utility providers against any and all such claims and demands.
13. OTB agrees to obtain a certificate of insurance for the right-of-way area and to name the City as an additional insured.

Thank you for your interest and personal investment in creating an Old Town that is a regional destination. The City is eager to review the performance of this temporary right-of-way agreement.

Regards,

A handwritten signature in black ink, appearing to read "Justin Bond". The signature is fluid and cursive, with the first name "Justin" written in a larger, more prominent script than the last name "Bond".

Justin Bond
Assistant Director, Development Services
817-426-9684
jbond@burlesontx.com

ATTACHMENTS:

- Exhibit A – Site Plan of Affected Right-of-Way
- Exhibit B – Concept Sketch
- Exhibit C – Acceptance of Letter Agreement by OTB

EXHIBIT A
Site Plan of Affected Right-of-Way

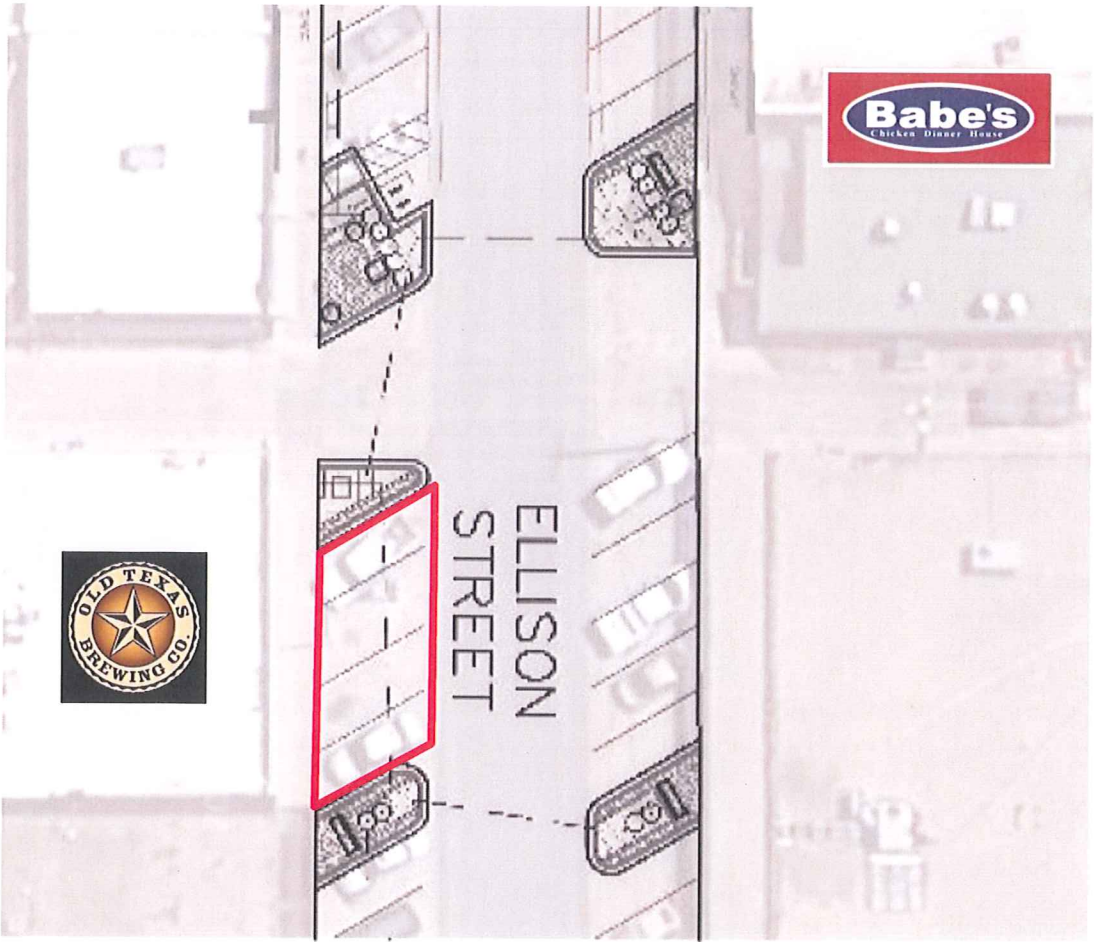


EXHIBIT B
Concept Sketch by OTB

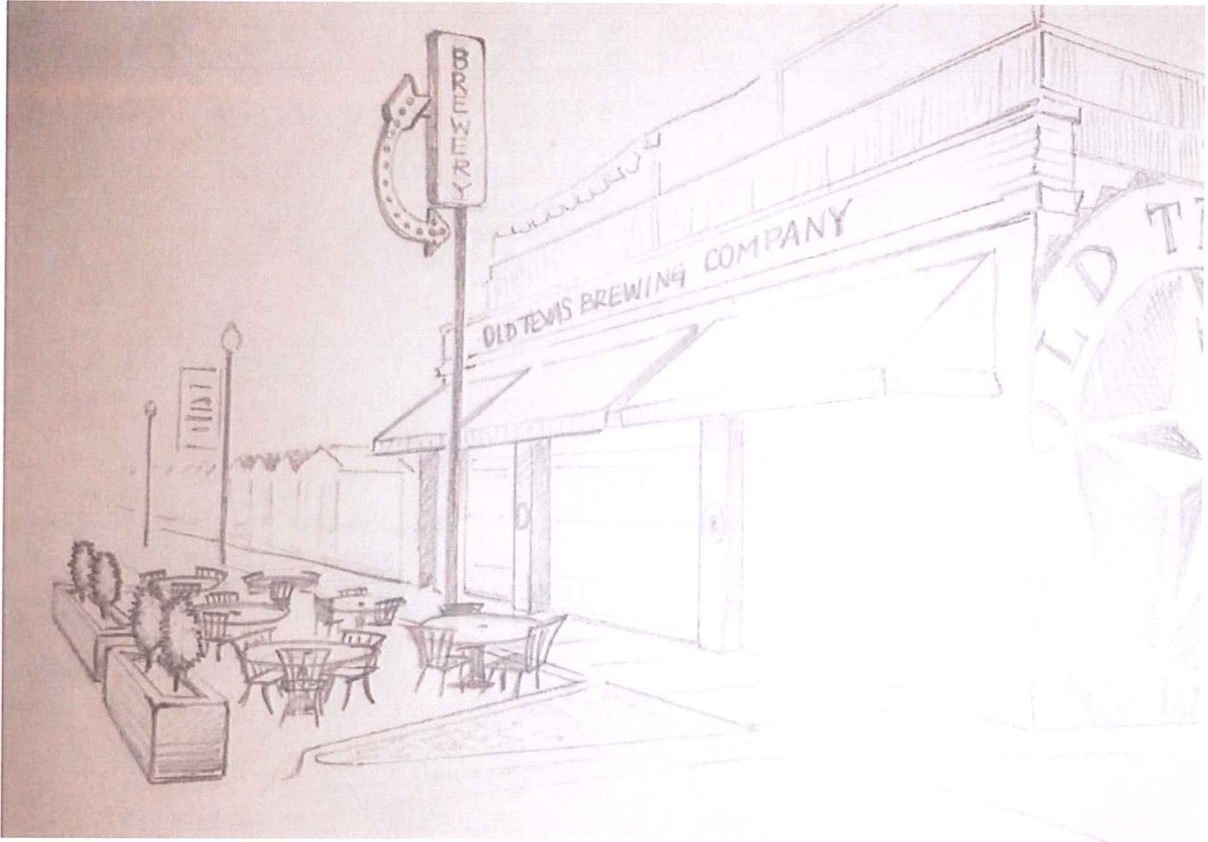


EXHIBIT C
Acceptance of Letter Agreement by OTB

Old Town Brewing Company and affiliates agree to abide by the conditions as described in the July 21, 2015, letter from the City of Burleson as signed by Justin Bond, Assistant Director of Development Services, and as considered and approved by the Burleson City Council on July 20, 2015.

Old Town Burleson Restaurant and Brewery
A Texas Limited Liability Corporation
d.b.a. Old Texas Brewing Co.

By: _____

Name: Rick Hazen

Title: President

Date: 2/29/16

STATE OF TEXAS
COUNTY OF Johnson

This instrument was acknowledged before me on 2-29, 2016 by Rick Hazen, known personally by me to be the President of OTB, on behalf of said company.

[Notary Seal]

Benjamin A. Philips
Notary Public, State of Texas

