

March 1, 2016

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 permanent 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 permanent installation of tabletop dining and potted plants creating a public space.

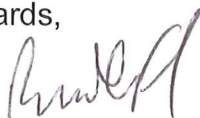
This letter is the formal acceptance by the City of the OTB proposal as shown on an associated sketch, attached as Exhibit B. The program outlined below does grant permanent rights to Old Texas Brewing Co. (“OTB”) upon an annual review to be conducted by March 1<sup>st</sup> of each calendar year.. The City grants the use of the parking spaces for the stated purpose, 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 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 after each calendar year to reevaluate the space prior to March 1st.
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.

Regards,

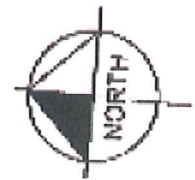
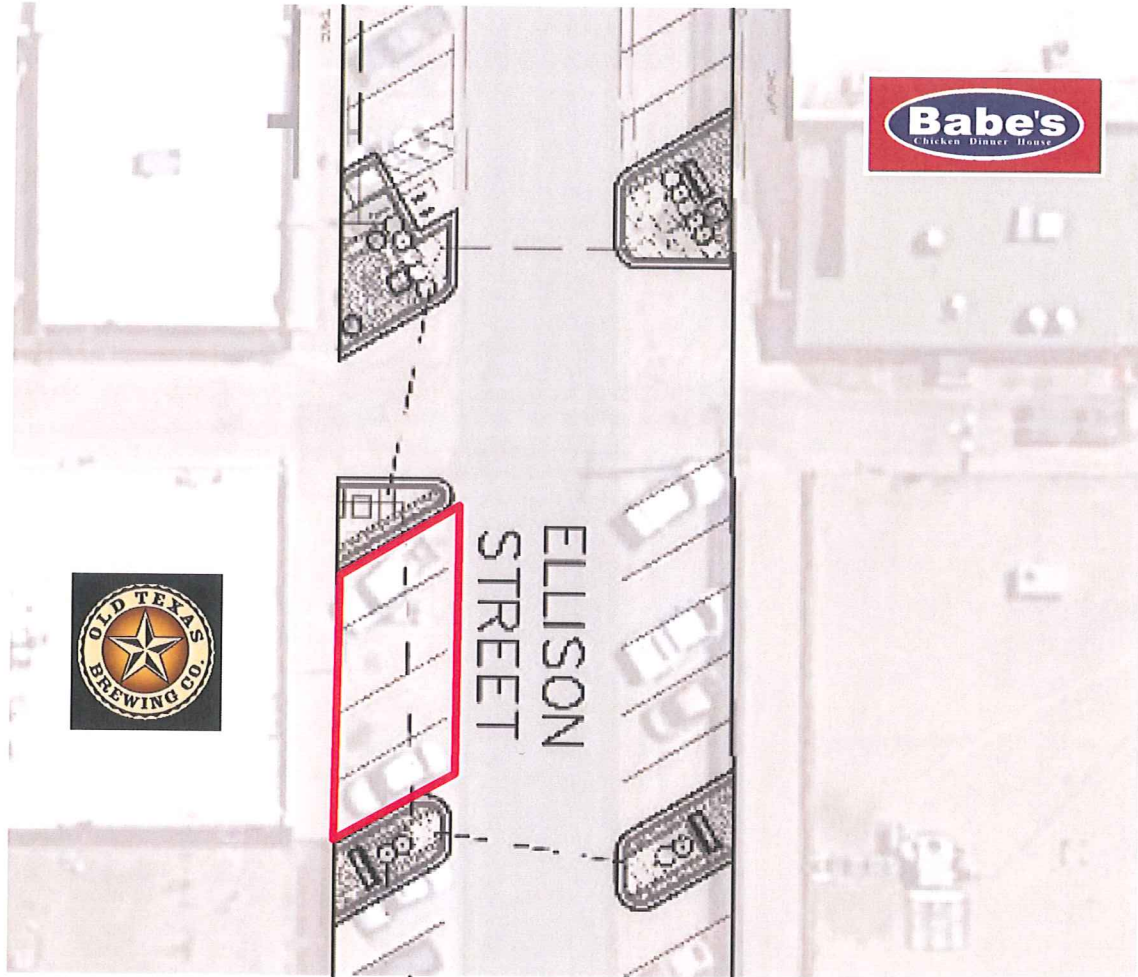


Bradley Ford  
Deputy City Manager  
817-426-9623  
bford@burlesontx.com

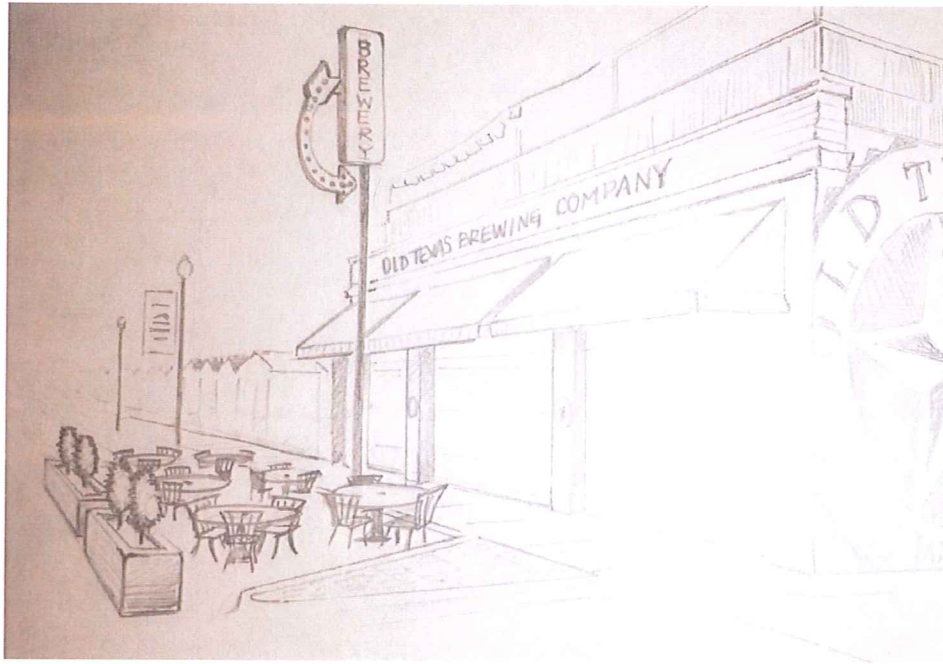
**ATTACHMENTS:**

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

**EXHIBIT A**  
Site Plan of Affected Right-of-Way



**EXHIBIT B**  
Concept Sketch by OTB



Actual Photo



**EXHIBIT C**

Acceptance of Letter Agreement by OTB

Old Town Brewing Company and affiliates agree to abide by the conditions as described in the March 1, 2016, letter from the City of Burleson as signed by Bradley Ford Deputy City Manager, and as considered and approved by the Burleson City Council on March 21, 2016

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

By: \_\_\_\_\_

Name: Rick Hazen

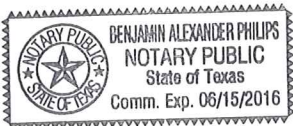
Title: President

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