



## ENGINEERING SERVICES

**To:** Mayor and Town Council

**From:** Hulon T. Webb, Jr., P.E., Director of Engineering Services

**Through:** Mario Canizares, Town Manager  
Chuck Ewings, Assistant Town Manager

**Re:** License, Maintenance, and Hold Harmless Agreement  
(390 West Broadway: Blackhawk Brewery)

**Town Council Meeting – October 10, 2023**

**Strategic Visioning Priority: 2. Development of Downtown as Destination**

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**Agenda Item:**

Consider and act upon authorizing the Town Manager to execute a License, Maintenance, and Hold Harmless Agreement between 390 West Broadway LLC, and the Town of Prosper, Texas, related to the installation and maintenance of a patio within the right-of-way of McKinley Street for the Blackhawk Brewery development.

**Description of Agenda Item:**

390 West Broadway LLC, is developing the Blackhawk Brewery on the northeast corner of McKinley Street and Broadway in Downtown Prosper. As part of the design plans for the new building, there is a patio proposed on the western side of the building adjacent to McKinley Street. The width of the patio is shown as 12'-8" (12.67'), however the site plan shows only 10.91' of available property from the western edge of the new building to the right-of-way of McKinley Street.

In order to construct the patio as proposed, there would be an approximate 2' encroachment into the right-of-way of McKinley Street as shown in the attached exhibit. Since the improvements are proposed to be located within the right-of-way of McKinley Street, the attached agreement would allow the Blackhawk Brewery development to construct and maintain that portion of the proposed patio in the right-of-way of McKinley Street.

**Budget Impact:**

There is no budgetary impact affiliated with this item.

**Legal Obligations and Review:**

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

**Attached Documents:**

1. License, Maintenance, and Hold Harmless Agreement
2. Patio Encroachment Exhibit

**Town Staff Recommendation:**

Town staff recommends that the Town Council authorize the Town Manager to execute a License, Maintenance, and Hold Harmless Agreement between 390 West Broadway LLC, and the Town of Prosper, Texas, related to the installation and maintenance of a patio within the right-of-way of McKinley Street for the Blackhawk Brewery development.

**Proposed Motion:**

I move to authorize the Town Manager to execute a License, Maintenance, and Hold Harmless Agreement between 390 West Broadway LLC, and the Town of Prosper, Texas, related to the installation and maintenance of a patio within the right-of-way of McKinley Street for the Blackhawk Brewery development.