

## **CITY OF ROSWELL LICENSE FOR LAND USE**

The City of Roswell, Georgia (hereinafter “Roswell”), a Georgia municipal corporation, hereby grants F&H Food Trading Group dba Real Fix Pizzeria, owned by Hicham Azhari and Fikret Kovac, a License For Land Use upon and pursuant to the following terms and conditions:

1. F&H Food Trading Group dba Real Fix Pizzeria (hereinafter “Real Fix Pizzeria”) occupies and operates premises located at 14 Elizabeth Way, Roswell, Georgia 30075 (hereinafter “Premises”). The Premises abut and front on public right-of-way (East Alley) of Roswell.
2. Real Fix Pizzeria desires to use the alley fronting the premise as a sidewalk café to serve patrons. This encroaches upon Roswell’s right-of-way abutting the Premises, approximately in the position depicted upon the drawing stamped as received on May 23, 2014, attached hereto as Exhibit “A.”
3. Roswell, acting through an approval made by Mayor and Council at a Council meeting held on Monday, September 29, 2014, hereby grants to Real Fix Pizzeria a license for land use to use approximately 360 square feet of City of Roswell right-of-way. Real Fix Pizzeria intends to place two umbrellas and eight four-top tables for a total number of 32 seats in this area. Based on earlier plans submitted to the HPC, Real Fix Pizzeria also intends to fill the area in with brick pavers to make a more level surface as depicted upon the drawing attached hereto as Exhibit “A,” subject to all of the following provisions of this license for land use.
4. Real Fix Pizzeria acknowledges that it has not paid any consideration for this license for land use, and further acknowledges that this license for land use is not intended to, nor does it create any estate in land or easement of any kind in favor of Real Fix Pizzeria or any successor in interest to or transferor from it.
5. This license for land use may not be transferred from Real Fix Pizzeria to any other party without the express approval of Mayor and Council of the City of Roswell in the same manner in which this original license for land use was granted by Mayor and Council.
6. This license is granted only for the purpose herein stated which has been approved by the Community Development Department of the City of Roswell. This license does not permit any alteration, expansion or material change to the use or structure from that depicted on the drawing attached hereto as Exhibit “A.”
7. Should any future use, alteration or closure of Roswell’s right-of-way be necessary in the public interest, in Roswell’s sole discretion, this license shall be terminated upon 30 days written notice by Roswell sent to Real Fix Pizzeria at the Premises address set out above.
8. The License for Land Use is subject to the following conditions:
  - a. Real Fix Pizzeria shall place and maintain improvements depicted on the drawing attached hereto as Exhibit “A” solely at its own expense.

- b. Adjoining patio at 16 Elizabeth Way cannot be used by Real Fix Pizzeria pursuant to this license. Any such use of the patio at 16 Elizabeth Way would require a separate License for Land Use made by the owner or occupier of 16 Elizabeth Way.
  - c. That changes based upon the East West Alley Master Plan can be implemented to this space without any additional costs to the City of Roswell;
  - d. That the barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application;
  - e. At all times, Real Fix Pizzeria agrees to comply with the requirements of the Americans With Disabilities (ADA) Act including two chains between each set of columns. If Real Fix Pizzeria fails to maintain the required ADA access, Roswell has the right to withdraw this License for Land Use upon written notice to Real Fix Pizzeria. Should Roswell revoke this License for Land Use pursuant to this paragraph, Real Fix Pizzeria shall have two days to remove any fixtures, furniture, etc. from the public right of way.
  - f. That engineered drawings are required to be submitted and construction is subject to appropriate inspection.
  - g. That the outdoor dining area meets the standards in Section 9.7.15 of the UDC.
9. Mayor and Council expressly delegate to the Director of Community Development or to his or her designee, responsibility to administer this License for Land Use.

CITY OF ROSWELL:

Granted this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jere Wood  
Mayor, City of Roswell

REAL FIX PIZZERIA:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Hicham Azhari  
Owner

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Fikret Kovac  
Owner

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susanna Rohm  
Representative of F&H Food Trading Group