

**FRANCHISE AGREEMENT FOR
COIN-OPERATED TELESCOPES OR BINOCULARS**

KNOW ALL MEN BY THESE PRESENTS, that this Agreement made and entered into by and between THE CITY OF GULF SHORES (the "City"), and THE EASTERN SHORE COMPANY, INC. (the "Company"), in consideration of the terms and covenants herein contained and hereinafter stipulated, do mutually covenant and agree as follows:

1. GRANT OF CONCESSION: The City hereby grants to the Company the nonexclusive right and privilege to place and operate five (5) coin-operated, metered telescopes at and within the confines of the Gulf Shores Public Beach Pavilions and Boardwalk.
2. TERM: This contract shall be for a period of two (2) years beginning June 30, 2014, and ending June 30, 2016. This contract may be extended by consent of both parties expressed in writing and attached to the original copy of this Contract. Either party to this contract may cancel the same within Thirty (30) days after receipt of written notice to the opposite party.
3. PERCENTAGE FEE: An amount equal to forty percent (40%) of the gross receipts derived by the Company from the operation of all telescopes shall be paid to the City during the full term of this Contract.

Payments due the City from the Company shall be made on a quarterly basis and shall be due on or before the tenth day of January, April, July, and October for the preceding quarter.

The Company will also be responsible for all other taxes and license fees due to the City as are prescribed by City Ordinances.

4. LOSS OR DAMAGE: The City shall in no way be responsible to the Company for any loss or damage to any telescopes or equipment installed by the Company.

The Company shall post on each machine the name, address and telephone number of the Eastern Shore Company, Inc. for the purpose of customer communication.

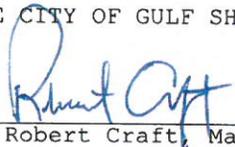
5. LIABILITY: The Company shall furnish and maintain comprehensive general liability insurance coverage in an amount not less than Five Hundred Thousand Dollars (\$500,000) under a policy issued by an insurer acceptable to the City. Proof of coverage shall be furnished to the City.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed the same on this 30th day of June, 2014.

THE CITY OF GULF SHORES, ALABAMA

ATTEST:


Wanda Parris, MMC
City Clerk


Robert Craft, Mayor

THE EASTERN SHORE COMPANY, INC.

By: 

ORDINANCE NO. 1758

AN ORDINANCE
GRANTING A NONEXCLUSIVE FRANCHISE
TO THE EASTERN SHORE COMPANY, INC.
TO PROVIDE COIN-OPERATED TELESCOPES
OR BINOCULARS FOR PUBLIC USE IN
THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION

WHEREAS, the Eastern Shore Company, Inc., an Alabama Corporation, has requested a franchise to empower the Corporation to place coin-operated telescopes or binoculars at the Gulf Shores Public Beach; and

WHEREAS, the City is desirous of granting a nonexclusive franchise to The Eastern Shore Company, Inc. to provide such service; and

WHEREAS, the residents of the City will be benefited by the granting of such a franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN RESCHEDULED REGULAR SESSION ON JUNE 30, 2014, as follows:

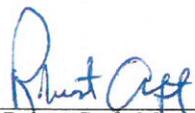
Section 1. That a nonexclusive franchise be and it is hereby granted to The Eastern Shore Company, Inc., an Alabama corporation, for provision of coin-operated telescopes or binoculars within the corporate limits of the City for a term of two (2) years ending on June 30, 2016.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and The Eastern Shore Company, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for the provision of such services.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated June 30, 2014.

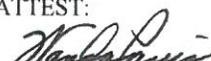
Section 4. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 30th day of June, 2014.



Robert Craft, Mayor

ATTEST:



Wanda Parris, MMC
City Clerk

CERTIFICATE

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1758 (prepared by City Clerk), which Ordinance was duly and legally adopted at a rescheduled regular meeting of the City Council on June 30, 2014, and the same was duly posted for public review as legally required in the City of Gulf Shores, Alabama.



City Clerk