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January 29, 2004

Darin Harris
KS-Mexican Grill, LLC
1507 Diamond Court
Franklin, TN 37064

RE: Conditional Waiver of Drinking Establishment Restriction

Dear Mr. Harris:

The purpose of this letter is to document the specific conditions underlying the City Commission's January 6, 2004 conditional approval of the drinking establishment distance restriction waiver for the proposed Qdoba Mexican Grill at 947 Massachusetts. The Commission approved the waiver subject to the following conditions: 1) the ownership as stated in the November 24, 2003 waiver request and as presented at the January 6th meeting; 2) the business plan as stated in the waiver request and presented at the commission meeting; and 3) the primary entrance of the establishment to be on Massachusetts Street.

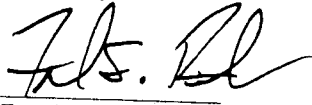
As to the ownership condition, the Commission approved the waiver with the understanding that at all times the drinking establishment at 947 Massachusetts will be owned and operated by KS-Mexican Grill, LC, doing business as Qdoba Mexican Grill. The waiver cannot be transferred; therefore, the waiver will expire as of the date KS-Mexican Grill, LC no longer operates Qdoba Mexican Grill at 947 Massachusetts Street.

As for the business plan, you presented information that Qdoba Mexican Grill will be a quick casual restaurant offering food as described in the attached menu. Assuming a drinking establishment license is approved, the establishment will offer beer and wine for on premise consumption. It was also stated that based on sales in similar Qdoba restaurants, alcohol sales would be approximately 2% of this establishment's total sales. Any significant alteration in your business plan, as determined by the City Commission, will result in the termination of the waiver.

Lastly, the waiver was approved with the condition that the primary entrance to the establishment will be along Massachusetts Street. The attached floor diagram was distributed at the January 6th meeting evidencing the general layout of the establishment, including the primary entrance along Massachusetts Street. In the event, the primary entrance should change, the waiver will expire, and KS-Mexican Grill will need to petition the City Commission for a new waiver should it want to continue to sell alcoholic liquor or cereal malt beverages from that location.

The City Commission unanimously approved the wording of the conditions in this letter and authorized me to send it to you during the January 27, 2004 City Commission meeting. If you have any questions about this letter, or the drinking establishment licensing process in general, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "F.S. Reeb", written over a horizontal line.

Frank S. Reeb

Director of Administrative Services/City Clerk

Encls. Menu
Floor Diagram

Cc: Mike Wildgen, City Manager
Dave Corliss, Assistant City Manager/Director of Legal Services
Ray Cates