

JFK83WSS

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEVELOPMENT IMPROVEMENT AGREEMENT

NAME OF AGENCY OR CONTRACTOR: JOHN F. KILPATRICK

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: FILE NO. 79-81 AND VE-1998-073, EAST SIDE OF 29 ROAD, NORTH OF GRAND VALLEY CANAL, WOODSMOKE SUBDIVISION; RELEASE OF DEVELOPMENT IMPROVEMENT AGREEMENT AND GUARANTEE-PROJECT WAS NEVER CONSTRUCTED-PROPERTY NOW KNOWN AS THE GRAFF MANOR SUBDIVISION

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1983

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

479 801  
Logie

1325173 02:45 PM  
MAY 04 1983 E. SAWYER-CLK&REC MESA CITY, CO

POWER OF ATTORNEY

BOOK 1431 PAGE 22

I, We, the undersigned, owners of the real property situated in the County of Mesa, State of Colorado, and described as:

WOODSMOKE SUBDIVISION

for valuable consideration do nominate and appoint the City Clerk of the City of Grand Junction, Colorado, as my/our attorney in fact to execute a local improvement district petition to provide for the assessment against the above property of the cost of curb, gutter, sidewalk and improvement of and paving of:

1/2 improvements to that portion of 29 Road adjacent to Woodsmoke Subdivision

abutting the property or determined as being assessable against the property at such time as the Clerk may determine and without competition by me/us. It is understood by me/us that there will be no participation by the City in any costs of the required improvements.

This power shall be covenant running with the land and shall not expire at my/our death(s).

Dated this 8 day of April, 1983

*John F. Kiepatnick*

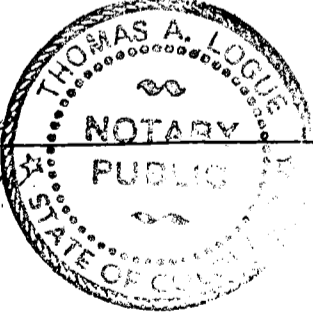
STATE OF COLORADO )  
                                  ) ss:  
COUNTY OF MESA )

On the 8<sup>th</sup> day of April, 1983, the foregoing Power of Attorney was acknowledged before me by:

JOHN F. KIEPATNICK

My notarial commission expires: Aug 23 1985  
Witness my hand and official seal.

*Thomas A. Logie*  
2504 Crossroads Blvd  
Grand Jct. CO 81501



In re: Woodsmoke East side of 29 Road, North of Grand Valley Canal  
 Name of subdivision or other improvement location

Intending to be legally bound, the undersigned subdivider hereby agrees to provide throughout this subdivision and as shown on the subdivision plat of \_\_\_\_\_ date \_\_\_\_\_ 19\_\_\_\_, the name of subdivision

following improvements to City of Grand Junction standards and to furnish an Improvements Guarantee in the form acceptable to the City for these improvements.

| Improvements                  | Quantity and Unit Costs | Estimated Cost | Estimated Completion Date |
|-------------------------------|-------------------------|----------------|---------------------------|
| Street grading                | N/A                     |                |                           |
| Street base                   | N/A                     |                |                           |
| Street paving                 | N/A                     |                |                           |
| Curbs and Gutters             | N/A                     |                |                           |
| Sidewalks                     | N/A                     |                |                           |
| Storm Sewer facilities        | N/A                     |                |                           |
| Sanitary sewers               | 1,840 L.F. @ \$10.00    | \$18,400       | Nov., 1984                |
| Manholes                      | 7 Ea. @ \$750.00        | 5,250          | Nov., 1984                |
| Laterals or house connections | In Sewer Cost           |                |                           |
| On-site sewage treatment      | N/A                     |                |                           |
| Water mains                   | 2,960 L.F. @ \$12.00    | 35,520         | Nov., 1984                |
| Fire hydrants                 | 7 Ea. @ \$1,200.00      | 8,400          | Nov., 1984                |
| On-site water supply          | N/A                     |                |                           |
| Survey monuments              | N/A                     |                |                           |
| Street lights                 | N/A                     |                |                           |
| Street name signs             | N/A                     |                |                           |
| SUB TOTAL                     |                         | \$67,570       |                           |

RECORDED

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 MAY 04 1983 E. SAWYER, CLK & REC MESA CITY, CO

Supervision of all installations (should normally not exceed 4% of subtotal) \$2,700.00

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION \$ 70,270.00

The above improvements will be constructed in accordance with the specifications and requirements of the City or appropriate utility agency and in accordance with detailed construction plans based on the City Council approved plan and submitted to the City Engineer for review and approval prior to start of construction. The improvements will be constructed in reasonable conformance with the time schedule shown above. An Improvements Guarantee will be furnished to the City prior to recording of the subdivision plat.

This improvements agreement may be released in parts corresponding to phasing of this project.

John F. Kelpatruis  
 Signature of subdivider

(If corporation, to be signed by President and attested to by Secretary, together with the corporate seal.)

Date: 1/4 1983

I have reviewed the estimated costs and time schedule shown above and based on the plan layouts submitted to date and the current costs of construction I take no exception to the above.

Ronald P. Rish  
 City Engineer

Date: Feb. 24 1983

Date: December 14, 1982

BOOK 1430 PAGE 999

Grand Junction City Council  
559 White Avenue  
Grand Junction, CO 81501

1325172 02:45 PM  
MAY 04 1983 E. SAWYER, CLK & REC NEGA CITY, CO

GUARANTEE OF PUBLIC IMPROVEMENTS for Woodsmoke

The undersigned hereby guarantees not to request building permits within said subdivision until such time as required public improvements as listed on the Subdivision Improvements Agreement are installed for each lot.

It is understood that this guarantee can be replaced with a guarantee from a lending institution acceptable to the Grand Junction City Council, and/or a Power-of-Attorney for 29 Road improvements.

John F. Kilpatrick

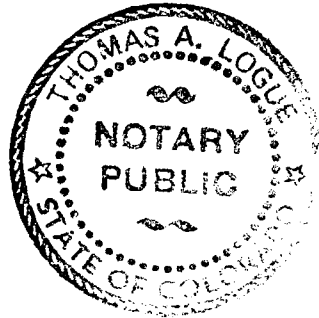
STATE OF COLORADO )  
 )  
COUNTY OF MESK )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of DECEMBER A.D., 1982 by JOHN F. Kilpatrick

Witness my hand and official seal.

My commission expires: Aug 23, 1985

Thomas A. Logue  
Notary Public  
2784 Crossroads Blvd.  
Grand Jct. CO.



79-81  
2 of 2

## ATTACHMENT TO BUILDING PERMIT GUARANTEE

Re: Woodsmoke Subdivision - Open Space Fee

The total appraised value is \$312,000.00. The total (5%) open space fee of \$15,600.00 shall be paid when the building permits are applied for. This fee may be paid in phases, and a revised building permit guarantee filed at the time of a phased release. Partial payments shall be in increments of \$742.86 per 12 units, the minimum payment per phase being \$3,714.30 (for five buildings of twelve units each). The total payment shall not exceed \$15,600.00. The area being released in part shall be clearly and permanently shown on the plat for Woodsmoke Subdivision.

  
\_\_\_\_\_  
John F. Kilpatrick

January 14, 1983

RELEASE OF IMPROVEMENTS AGREEMENT & GUARANTEE

City of Grand Junction Community Development Department

Community Development Files: #79-81 and VE-1998-073

1854555 07/09/98 0427PM  
MONIKA TODD CLK&REC MESA COUNTY CO  
REC FEE \$5.00 SURCHG \$1.00

This memorandum relates to a certain Improvements Agreement and Guarantee recorded at Book 1430, Pages 998, 999 and 1000 in and of the land records of Mesa County, Colorado, by and between John L. Kilpatrick (Developer) and the City of Grand Junction (City) pertaining to 'Woodsmoke' subdivision (Project).

Woodsmoke subdivision is more particularly depicted and described in the recording found at Plat Book 13, Pages 150-152.

The Developer of the Project was required by law to install and construct certain public and private improvements which completion was guaranteed by an Improvements Agreement and Guarantee. The Project was never constructed and the property planned as the Project has been re-platted. The property is now known as the Graff Minor Subdivision. The zoning on the property is RSF-2 and RSF-4, which does not and would not allow the Woodsmoke planned development.

The City of Grand Junction by and through the signature of the undersigned City Engineer has determined that the improvements guaranteed by and through the Improvements Agreement and Guarantee are no longer required, necessary or viable because of the re-platting and zoning of the property.

NOW THEREFORE, officials of the City of Grand Junction possessing and representing by their signatures that they possess sufficient authority, do hereby relinquish any and all rights in the Improvements Agreement and release the Guarantee to the improvements as provided in Book 1430, Pages 998, 999 and 1000.

CITY OF GRAND JUNCTION:

By: [Signature] 1/6/98  
City Engineer Date

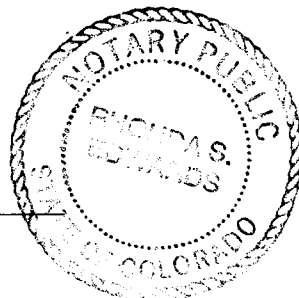
In accordance with the above, I hereby certify that the Improvements Agreement & Guarantee and the recording evidencing the agreement and guarantee, at Book 1430, Pages 998, 999 and 1000 of the Mesa County land records, are and have been released and any and all rights the City may claim under the same are relinquished as provided above.

[Signature] 7/8/98  
Director of Community Development Date

The foregoing instrument was executed before me this 8<sup>th</sup> day of July, 1998 by E. Scott Harrington, Director of Community Development for the City of Grand Junction, Colorado.

Witness my hand & official seal.

[Signature]  
Notary Public



My commission expires Sept. 20, 2001.