

DRM09DUP

TYPE OF RECORD:	NON-PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	SCOTT HOWARD, MIKE BELL AND SEAN FOREY – DREAM CAFÉ OWNER
SUBJECT/PROJECT:	IMPROVEMENTS ASSOCIATED WITH THE DOWNTOWN UPLIFT PROJECT AT 314 MAIN STREET
CITY DEPARTMENT:	DOWNTOWN DEVELOPMENT AUTHORITY (DDA)
YEAR:	2009
EXPIRATION DATE:	07/01/ <del>2010</del> 2060
DESTRUCTION DATE:	<del>01/01/2017</del>

## IMPROVEMENTS AGREEMENT

This Improvements Agreement ("Agreement") dated December 14, 2009, is between the Grand Junction Downtown Development Authority ("DDA"), and Scott Howard, Mike Bell and Sean Forey, ("Business Owners"), 315 Main Street, ~~###~~ Grand Junction, Colorado, also known as the Dream Cafe ("Premises").

### RECITALS

As part of the Downtown Uplift Project ("Project"), the City and the DDA will be reconstructing Main Street. Included in that work will be reconstruction of the sidewalks. The work will require the dismantling and removal of outdoor dining areas located in the City's public right-of-way, and will include the reconstruction of those outdoor dining areas once the sidewalk and street renovations are completed.

This Agreement formalizes the agreed upon conditions by all parties for the completion of the Project, specifically the renovation of the City sidewalks.

Now, as part of the Project, the Business Owners and the City agree to the following:

1. Sidewalk Renovations and Reconstruction:
  - a) The wrought iron fence, outdoor tables and chairs will be photographed and tagged in the presence of the Lessee to establish the amount and condition of the items; and
  - b) The wrought iron fence located within the City sidewalk right-of-way will be removed by the City's construction contractor. The contractor will cut the fence into panels; and
  - c) The wrought iron fence panels, outdoor tables and chairs will be removed by the City's construction contractor and stored by the City at a location determined by the City; and
  - d) The concrete sidewalk in front of the Premises will be removed, and temporarily replaced by a wooden boardwalk; and
  - e) Concrete shall be replaced in the sidewalk area, in front of the Premises, and a new drain system will be installed; and
  - f) On or before May 1, 2010, the contractor will deliver the fence, tables and chairs to the outdoor dining area for an inspection with City representatives and the Business Owners; and
  - g) If the fence is found to be in acceptable condition, the contractor will reinstall the fence in its original location with anchor bolts drilled and epoxied into the existing and new sidewalk. If welding is

required to reinstall the fence, the welds will be ground smooth and painted to match the existing paint color; and

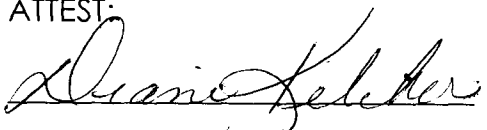
- h) Upon completion of the fence installation and the return and set up of the outdoor tables and chairs, the Business Owners will sign an acceptance statement stating that the work is complete and satisfactory. Following completion of the Main Street reconstruction the Business Owner must enter into an Outdoor Dining Lease Agreement before serving food and/or beverage in the outdoor dining area.


This Amendment shall expire upon completion of the Project.


Dated this 14<sup>th</sup> day of December, 2009.

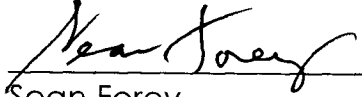
**THE GRAND JUNCTION DOWNTOWN  
DEVELOPMENT AUTHORITY,**

By:  12-14-09  
Heidi H. Ham, Executive Director Date

ATTEST:  


**BUSINESS OWNERS:**  
 11-30-09  
Scott Howard Date

 11/30/09  
Mike Bell Date

 11-30-9  
Sean Forey Date