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TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: CONTRACT

NAME OF CONTRACTOR: HILLTOP HEALTH SERVICES CORPORATION

SUBJECT/PROJECT: PRIVATE STREETS MAINTENANCE AGREEMENT

CITY DEPARTMENT:

PUBLIC WORKS AND PLANNING

YEAR:

2007

EXPIRATION DATE:

NONE

DESTRUCTION DATE:

NONE



RECEPTION #: 2371605, BK 4385 PG 561 03/28/2007 at 03:07:21 PM, 1 OF 2, R \$10.00 S \$1.00 Doc Code: MAINTAIN AGMT Janice Rich, Mesa County, CO CLERK AND RECORDER

Private Streets Maintenance Agreement

Hilltop Health Services Corporation, a Colorado nonprofit corporation ("Owner") as Owner of the land described as Hilltop Commons Subdivision in the City of Grand Junction, County of Mesa, State of Colorado ("Property") covenants with the City of Grand Junction ("City") and agrees to the following:

"In the event that the road(s) have not been maintained as set forth on Exhibit A and the Owner fails to cure such failure within ninety (90) days after receipt of notice of such failure from the City (or such longer period as is reasonable under the circumstances as determined by the City), the City may cause such maintenance to be performed and charge the Owner, in accordance with Exhibit A, for the services performed. The City shall have and be irretrievably granted by recordation of this Declaration, authority to force assessment by the Owner and/or if the assessment is not paid, the City may lien the Property and any and all Lots therein for payment of services described in Exhibit A and as authorized by the City's Transportation Engineering and Design Standards ("TEDS").

The City shall be entitled to exercise any and all legal remedies, processes or procedures provided in law, equity or by the provisions of this Declaration, to secure full and faithful performance of maintenance obligations and payment therefor. It shall be the duty of the Owner to pay any assessment levied for road maintenance within 20 days after the mailing of such notice to the Owner by the City. In case of the Owner's failure to so pay an assessment shall be a lien upon the Property from the time of the assessment. If the assessment is not paid within 20 days as provided by TEDS, then it shall be the duty of the City Manager to certify the amount of the assessment to the Mesa County Treasurer or other officer of the county having custody of the tax list at the time of certification, to be placed by him/her upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with a 20% surcharge thereon to defray the costs and to provide an economic disincentive for violations and the continuation of violations. All of the laws of the State of Colorado for the assessment of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply and have full effect."

A Colorado nonprofit corporation

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By: Mary & Schaefer, CEO

Hilltop Health Services Corporation,

STATE OF COLORADO

) ss.

COUNTY OF MESA

The foregoing instrument was acknowledged before me this 20nd day of March, 2007, by March A. Schaefer as Chief Executive Officer of Hilltop Health Services Corporation, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expression

(SEAL)

Notary Public

Exhibit A

Private Streets Agreement for Cottages @ Commons		
The length of streets within the subdivision have be feet and includes cul-de-sacs. The City's		
mile of street, unless otherwise noted:		
(1) Maintenance Services 17,500# +		
U5/dD	Lane Mile Cost	Annual Cost
a. Crack Filling O TT single lane miles	\$ 875	\$ 875-/10 YEARS \$ 1400-/10 YEARS
b. Seal Coating Of A single lane miles	\$	5 1400-110 41-ARS
c. Asphalt Overlay / 5/4 single lane miles	J., S.	\$ 20 125-115 WEARS
d. Patching 52/4 single lane miles 2.	1225 SIOUEARS	\$ 6/25 /10,0005
d. Parching 502/# single lane miles ©. Sweeper @ 80-/H1 * GHR/404 & c. Street Sweeping curb lane miles	= 480 - × 1048ARS	\$ 20 125-115 GEARS \$ 12125-110 YEARS 4805
f. Leas/Trash Pickup ? Residential Units	s \$	

Crack filling and seal coating shall be performed once every 10 years. Asphalt overlays shall be 3 inches in thickness and performed by the Association or its Contractor once every 15 years. Patching shall be performed no less than annually. For purposes of this exhibit, the annual cost for providing these services has been estimated by taking the total cost of completing the service, divided by the frequency of service in years.

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The total cost of the maintenance services is \$ in year dollars. For successive year after 1995 the cost of maintenance services shall be adjusted to reflect the prevailing unit cost of materials together with increases in the Denver-Boulder CPI index over the specified year index.

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