

JDW98IVS

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	JAMES D. WEST
SUBJECT/PROJECT:	INDEPENDENCE VALLEY SUBDIVISION FILING NO. 3 SEWER SERVICE PROVIDED BY PERSIGO 201 AREA
CITY DEPARTMENT:	UTILITIES AND STREETS
YEAR:	1998
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

**AGREEMENT**

THIS AGREEMENT is made as of March 30, 1998 by THE CITY OF GRAND JUNCTION, COLORADO (the "City"), a Colorado municipal corporation and THE COUNTY OF MESA (the "County"), a political subdivision of the State of Colorado.

FOR VALUABLE CONSIDERATION RECEIVED, the City and the County agree:

1. James D. West (the "Developer") has submitted an application to the County for approval of a subdivision (the "Development") under the name Independence Valley Subdivision Filing #3. Filing Three has received final approval by the County.

2. Through the development review process, it was discovered that the Development lays outside of the Persigo 201 sewer service area and in the Fruita 201 sewer service area. Issuance of building permits for the Development as proposed by the Final Plat and Plan of Filing Three requires that the Development be provided with sewer service.

3. It is impractical or impossible for Fruita to provide sewer service to the Development. The Persigo Sewer System is capable of providing sewer service to the Development. The County and City are willing for the Persigo Sewer System to provide that service to the entire Development, subject to the terms of this Agreement.

4. The City and the County agree that the Persigo Sewer System is capable of serving and should serve the Development at this time. Provision of sewer service by the Persigo Sewer System to the portion of the Development not presently in the Persigo 201 Area is conditioned upon consent of the City of Fruita, which may be in the form of a letter from the Fruita City Manager, a resolution or ordinance of the Fruita City Council or other evidence of consent satisfactory to the City and County.

5. The City and the County agree that, at an appropriate future time as agreed by them, they will cooperate to take all actions reasonably required to be taken by each or both of them to allow amendment of the boundaries of the Persigo 201 area to include all of the Development. The parties acknowledge that actions and approvals of other entities beyond the control of the City and the County may be required to complete the process to amend the Persigo 201 boundary.

6. The City and the County agree that:

A. the provisions of this Agreement,

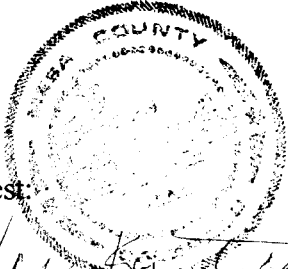
B. the issue of providing sewer service to the Development, and

C. with respect to the Development only, and as between the City and the County,

which of them has the right to recommend amendment of the Persigo 201,

Are issues which have not yet been resolved.

MESA COUNTY BOARD  
OF COUNTY COMMISSIONERS



Attest:

Monika Todd  
Monika Todd, County Clerk

By: James R. Baughman  
JAMES R. BAUGHMAN, CHAIRMAN



Attest:

Stephanie Mye

CITY OF GRAND JUNCTION, COLORADO

By: David Vanden  
Mark-K. Achen, City Manager, ACTING