

KIS05EXP

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| TYPE OF RECORD:      | PERMANENT  |
| CATEGORY OF RECORD:  | CONTRACT   |
| NAME OF CONTRACTOR:  | KISSNER ENTERPRISES, LLC. (PINE COUNTRY, INC.)   |
| PROJECT/SUBDIVISION: | 2520 HIGHWAY 6 & 50 SITE LOCATION EXPANSION APPEAL WITHDRAWL (APPEAL OF DIRECTOR'S DECISION) |
| TAX PARCEL NO:       | 2945-103-00-150  |
| FILE #:              | MSC-2005-245   |
| CITY DEPARTMENT:     | PUBLIC WORKS AND PLANNING  |
| YEAR:                | 2005   |
| EXPIRATION DATE:     | NONE   |
| DESTRUCTION DATE:    | NONE   |

Community Development File #: MSC-2005-245:

STIPULATION

Kissner Enterprises, LLC, operating as Pine Country, Inc., ("Kissner") withdraws the request for the appeal before the Zoning Board of Appeals of the Director's decision regarding expansion of Kissner's site located at 2520 Highway 6 & 50 with tax parcel number 2945-103-00-150.

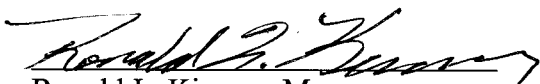
In return for Kissner's withdrawal, the Director withdraws his decision included in the September 16, 2005 letter to the attorney, Dan Wilson, for Kissner indicating that the proposed use was an expansion on a nonconforming site.


The parties agree that the Director had insufficient facts at the time the Director made his decision to determine that Kissner's use would be an expansion on a nonconforming site.

Until the City has additional information to indicate that Kissner is not operating lawfully because of an expansion on a nonconforming site, then Kissner may operate. This does not preclude the City from taking action if more information is discovered regarding an expansion on a nonconforming site or any other unlawful action on the site.

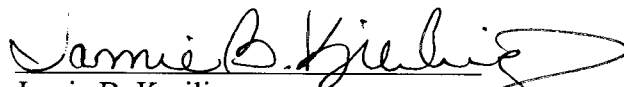
Executed on this the 15th day of November 2005.

Kissner Enterprises, LLC

  
Ronald L. Kissner, Manager

  
Daniel E. Wilson  
Attorney for Kissner Enterprises, LLC

City of Grand Junction

  
Jamie B. Kreiling  
Assistant City Attorney