

MES03WHT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **CONTRACT (AGREEMENT)**

NAME OF CONTRACTOR: MESA COUNTY

SUBJECT/PROJECT: PARKING GARAGE, COMBINING LOTS 19-23,
BLOCK 82

ADDRESS: 538 WHITE AVENUE
550 WHITE AVENUE

PARCEL NO: 2945-143-05-935

FILE NO: SPR-2003-187

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 2003

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

BE IT KNOWN THAT:

2153891 10/15/03 0207PM
JANICE WARD CLK&REC MESA COUNTY CO
REC FEE \$5.00 SURCHG \$1.00

MESA COUNTY, as owner(s) of the real property described herein, all situated in the City of Grand Junction, Mesa County, Colorado, and more particularly known and described as 550 White Ave. do hereby acknowledge and agree that this instrument shall represent our understanding that as a condition of City approval of the ~~attached~~ site plan, that LOTS 19-23 Block 82 are and shall be treated as one parcel for the principal use of a Parking Garage and to satisfy setback requirements for any and all structures constructed thereon.

If and when we or our successors in interest build, own or acquire any structure, which has been placed or built on or over the property line between LOTS 19-23, BLOCK 82 or on or over any portion of said line, or so close thereto that the structure does not meet applicable setbacks and/or bulk requirements then sufficient area from one and/or both lots shall be used to meet any and all required setbacks and bulk requirements as required by the Zoning and Development Code of the City of Grand Junction.

We further understand and agree that LOTS 19-23, BLOCK 82 constitute three parcels but by placement of a use on or sufficiently near the property line that the adjoining and contiguous parcel shall be encumbered by and shall serve as, the necessary area for setback and bulk requirement purposes and either or both lots may be rendered undevelopable for additional uses.

This instrument shall be recorded in the land records of Mesa County and shall be deemed to be a covenant which runs with the land for such time as any or all structure(s) constructed on LOTS 19-23, BLOCK 82 is (are) on or over the lot line, or is (are) so close thereto as to not meet applicable setback and bulk requirements for each lot.

This covenant shall be binding upon any and all successors in interest to the above described property and shall not cease except for and in accordance with cause stated herein.

Any agreement, representation or waiver is made knowingly and voluntarily with full understanding and complete knowledge of the consequences thereof.

IN WITNESS WHEREOF, I (WE), have signed, executed and acknowledged this instrument on this 4th day of September 2003.

Signature: James R. Baughman

STATE OF COLORADO
COUNTY OF MESA

The foregoing agreement was subscribed and sworn to before me this 4th day of September 2003.

Notary Public Mary E. Linn

My commission expires 2/19/04

