

AGREEMENT

This AGREEMENT is made between Norwest Bank Grand Junction, NA, (Norwest) 2808 North Avenue, Grand Junction, CO 81501, a Colorado Corporation, and the City of Grand Junction, (City) a home rule city.

Recitals

The City received a request for a conditional use permit to authorize "Captain D's," a drive-through restaurant facility, which is proposed to be located on property on the east side of Court Place, just north of North Avenue, in the City of Grand Junction. Norwest owns property west of Court Place, south of Bunting Avenue (Norwest Property) and appeared at the Planning Commission and City Council hearings. As a consequence of Norwest's appearance and the City Council's direction to the applicant, Norwest and "Captain D's" agreed that Norwest would not protest further the approval of "Captain D's" final site plan, subject to certain conditions.

This agreement is intended to identify the conditions and the terms agreed upon which form the basis for the consent by Norwest to the approval of "Captain D's."


NOW, THEREFORE, be it agreed:

1. Norwest shall dedicate to the City of Grand Junction, at no cost to the City, land sufficient, in accordance with City specifications, to allow the construction and improvement of:
 - (a) Bunting Avenue west from Court Place to the intersection with 28 1/4 Road and
 - (b) the extension of Court Place north to Bunting. The right-of-way to be dedicated to the City is described on the attached exhibit, "Bunting and Court Place Right-of-Way."
2. The City Council imposed, as a condition on "Captain D's," and hereby agrees with Norwest, that no certificate of occupancy shall be issued to "Captain D's" until such time as the Court Place/Bunting Avenue improvements have been constructed and approved by the City. The purpose for this provision is to be certain that there is usable vehicular access to the traveling public on an improved roadway from North Avenue north onto Court Place and west on Bunting connecting to 28 1/4 Road at or before the time that the certificate of occupancy is issued.
3. The City agrees, with respect to the Norwest Property, that no further street, curb or gutter improvements shall be required of the then-owner of said property as a condition of development review and approval by the City. Other improvements which are required at the time of development of all or a portion of the Norwest Property and other required actions or payments triggered

by development, including impact fees or other equivalent fees, shall be imposed with respect to said Norwest Property and/or development.

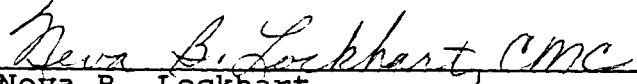
4. Norwest may record this agreement.

City of Grand Junction
250 N. Fifth Street
Grand Junction, CO 81501

By: 
Mark K. Achen
City Manager

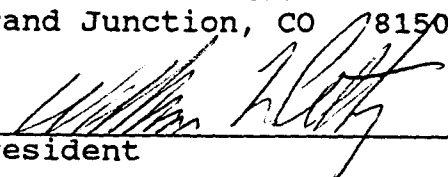
Date: 11/2/92

Attest:


Neva B. Lockhart
City Clerk

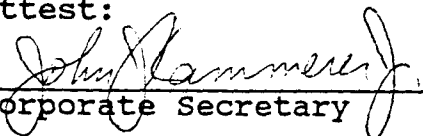
Date: 11-2-92

Norwest Bank Grand Junction, NA
2808 North Avenue
Grand Junction, CO 81501


President

Date: 10/29/92

Attest:


Corporate Secretary

Date: 10/29/92