

PHP03SUM

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **CONTRACT**

NAME OF CONTRACTOR: PARADISE HILLS PARTNERSHIP

SUBJECT/PROJECT: APPROVAL OF PRELIMINARY PLAT AND PLAN
FOR SUMMER HILL SUBDIVISION WITH CONDITIONS - AMENDMENT TO
10/7/99 AGREEMENT

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 2003

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

AGREEMENT

THIS AGREEMENT is made January 31, 2003 by and between PARADISE HILLS PARTNERSHIP ("Developer") and the CITY OF GRAND JUNCTION (the "City"), a Colorado municipal corporation. Developer's address is 1015 N. 7th Street, Grand Junction, CO, 81501. The City's address is 250 N. 5th Street, Grand Junction, CO, 81501.

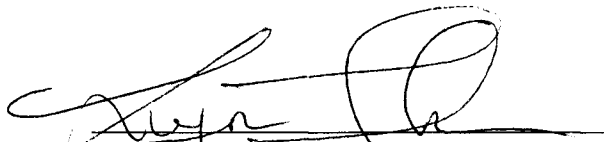
In consideration of their mutual obligations, benefits, duties and promises stated in this Agreement, the parties agree:


1. Developer is the owner of certain property ("Property") located in the City of Grand Junction. On April 21, 1999, the City approved, with conditions, a preliminary plat and plan for Summer Hill Subdivision (the "Subdivision") located on the Property. The legal description of the Property is attached as Exhibit A, which is incorporated herein by this reference.
2. On October 7, 1999, the parties entered into an Agreement which was recorded with the Mesa County Clerk and Recorder at Book 2680, Page 306-307. This new agreement dated January 31, 2003 serves as an amendment to the 1999 agreement, particularly paragraphs 4 and 5 of the 1999 agreement. The remainder of the 1999 agreement shall remain in full force and effect.
3. Plans for the development of the Subdivision are more fully described in the Summer Hill Preliminary Plan ("Plan") as approved by the City.
4. At the time of construction of subdivision improvements consisting of that portion of Amber Spring Way lying west of Spring Crossing as shown on sheet 5 of 21 ("Master Layout") of the Plan (said sheet 5 is dated January 1999 (no specific day listed)), the Developer shall construct Amber Spring Way west from its intersection with Spring Crossing to the western terminus of the Summer Hill western boundary and tying into the existing infrastructure on Amber Spring Way in the Grand Vista Subdivision.
5. Within thirty (30) days after Final Acceptance by the City of the construction of Amber Spring Way (pursuant to a Development Improvements Agreement for Amber Spring Way), and upon signature by the City of a Letter of Acceptance for this portion of the project only, as described in this agreement, the City shall pay to Developer an amount equal to one-half of the cost of that section of Amber Spring Way crossing Leach Creek as shown on the Master Layout of the Plan subject to the following: The crossing of Leach Creek shall be constructed using concrete pipe culvert comparable to that installed by the City under Summer Hill Way between 26-1/2 Road and the Subdivision, unless the City chooses to pay for more expensive materials and/or construction methods at the City's sole expense.
6. Upon signature by the parties, the agreement described in section 2, above, shall be amended as set forth herein.
7. This Agreement may be recorded in the office of the Clerk and Recorder of Mesa County, Colorado, and, if so recorded, shall run with all of the Property

and shall be binding upon and inure to the benefit of the Developer, the City, and each of their successors in interest and assigns.


PARADISE HILLS PARTNERSHIP,
A Colorado general partnership, by its
General partner BRAY AND CO., a
Colorado corporation

ATTEST:

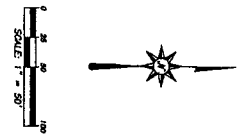
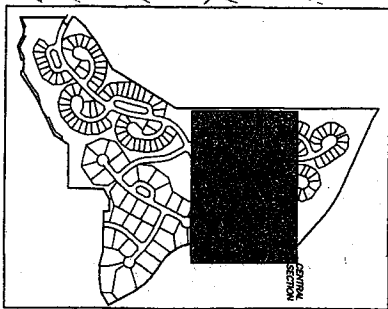
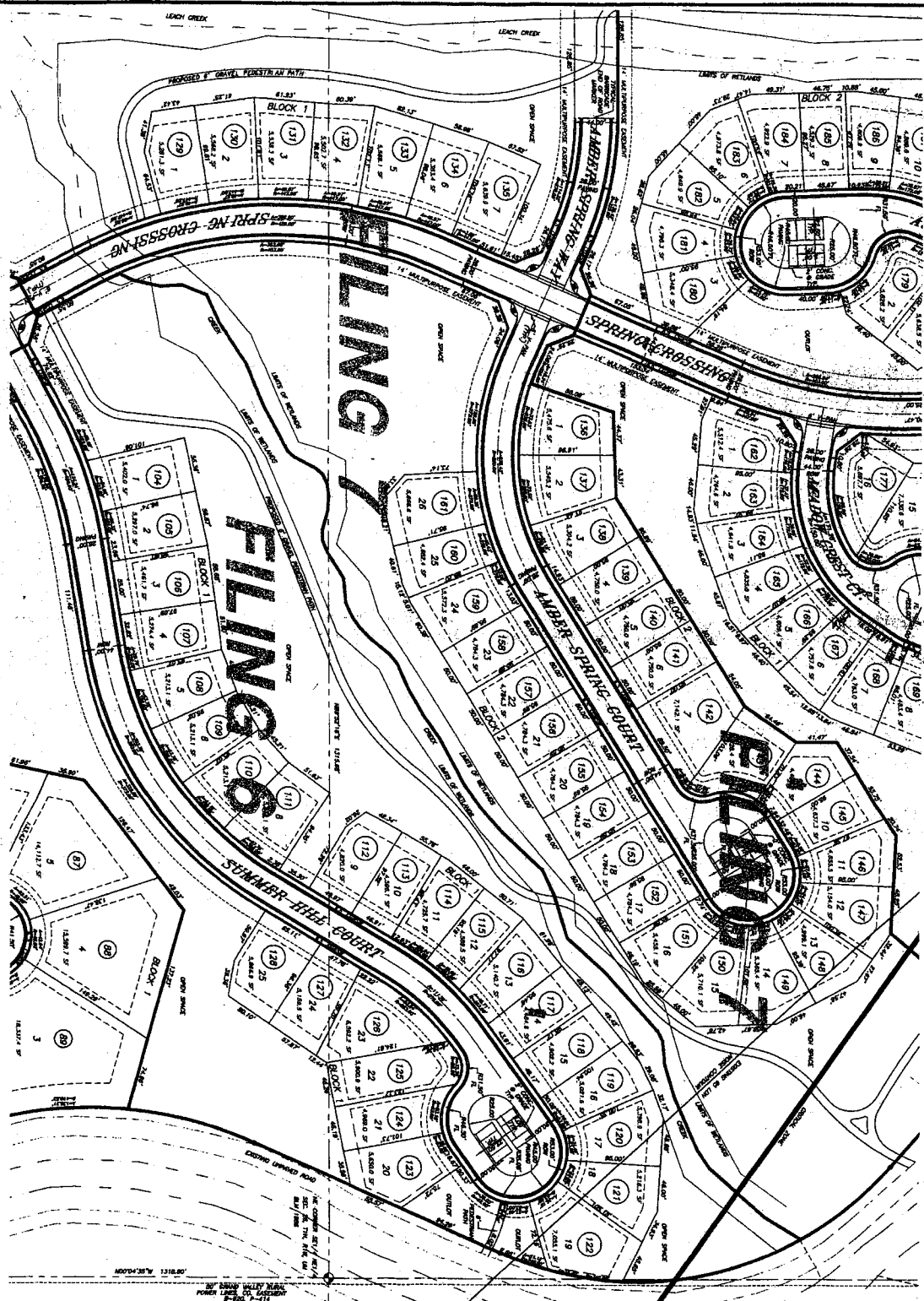

Lynn Thompson, Secretary

By: 
Robert L. Bray, C.E.O.

ATTEST:


Stephanie Tuin, City Clerk

By: 
Kelly Arnold, City Manager



5 21 S 21	LANDesign ENGINEERS • SURVEYORS • PLANNERS 236 GRAND AVENUE GRAND JUNCTION, COLORADO 81501 (970) 245-6099	SUMMER HILL	MASTER LAYOUT CENTRAL SECTION	DATE: MO: REVISION: BY:
		PROJECT NO.: 80085 FILE NAME: 80085 PP-MSTR-LAYOUT-2	DATE: JANUARY 1999 DRAWN: WMM CHECK: GLL	(Empty table for revisions)