

RESOLUTION NO. 08-04

**A RESOLUTION EXTENDING THE LEASE OF CITY PROPERTY
AT 545 NOLAND AVENUE
TO DONALD FUGATE, JR., DOING BUSINESS AS DON'S AUTOMOTIVE**

WHEREAS, pursuant to that certain Lease Agreement dated the 1st day of September, 1994, as authorized by City Resolution No. 69-94, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, as authorized by City Resolution No. 94-99, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, as authorized by City Resolution No. 136-00, and that certain Lease Extension Agreement dated the 1st day of January, 2003, as authorized by City Resolution No. 127-02, the City leases to Donald Fugate Jr., doing business as Don's Automotive, the following described real property in the City of Grand Junction, County of Mesa, State of Colorado:

The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue; and

WHEREAS, the above referenced Lease expired on December 31, 2003; and

WHEREAS, the City and Donald Fugate Jr. are desirous of entering into an agreement for the purposes of extending the lease of the above described property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute and enter into the attached Lease Extension Agreement with Donald Fugate Jr., doing business as Don's Automotive, extending the term of said Lease through December 31, 2004.

PASSED and ADOPTED this 21st day of January, 2004.

Attest:

/s/ Jim Spehar
President of the Council

/s/ Stephanie Tuin
City Clerk

LEASE EXTENSION AGREEMENT

THIS LEASE EXTENSION AGREEMENT is made and entered into as of the 1st day of January, 2004, by and between the City of Grand Junction, a Colorado home rule municipality ("City"), and Donald Fugate Jr., doing business as Don's Automotive ("Lessee").

Recitals

A. By that certain Lease Agreement dated the 1st day of September, 1994, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, and that certain Lease Extension Agreement dated the 1st day of January, 2003, the City has leased to Lessee, and Lessee has leased from the City, the following described real property in the City of Grand Junction, County of Mesa, State of Colorado: The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue ("the Property").

B. The Lease is due to expire December 31, 2003, and it is the desire of both parties to extend the Lease in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, In consideration of the recitals above and the terms, covenants, conditions and restrictions contained herein, the parties agree as follows:

1. The term of the Lease shall be extended to a period commencing on January 1, 2004, and continuing through December 31, 2004, at which time the Lease shall expire.

All other terms, covenants, conditions, restrictions, duties, obligations and responsibilities as they appear in that Lease Agreement dated the 1st day of September, 1994, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, and that certain Lease Extension Agreement dated the 1st day of January, 2003, shall continue in full force and effect during the term of this Lease Extension Agreement.

Dated the day and year first above written.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Lessee:

Donald Fugate Jr., doing business as
Don's Automotive