IMPROVEMENTS AGREEMENT

The parties to this Improvements Agreement ("Agreement") are L Theisen Properties, LLC a Colorado Limited Liability Company ("Owner") and the CITY OF GRAND JUNCTION, a Colorado home rule municipality ("City").

FOR valuable consideration, the receipt and adequacy of which is acknowledged, the Parties agree as follows:

The Effective Date of the Agreement will be the date that this agreement is signed by each of the parties.

The City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements within the right-of-way for North Avenue ("Project"). The City has received a grant and City Council has approved additional funds for completing this Project.

The Owner represents that it owns a tract of land adjacent to the Project as identified by Mesa County Tax Schedule Number **2943-074-00-059**, having a physical address of 2894 North Avenue, Grand Junction, Colorado, and more particularly described as that certain parcel of land described in Book 4359, Page 180, in the Clerk and Recorder's records of Mesa County, Colorado, hereinafter referred to as "the Owner's Property".

The Owner has agreed that as part of the Project one of it's accesses to North Avenue shall be closed. The Owner has already approved the proposed redesign of the access to the Owner's Property. The City shall complete and pay for the expense of redesigning and constructing the curb, gutter and sidewalk in the right-of-way that abuts the Property on the southern edge. In return, the Owner shall install and maintain landscaping within the Planting Strip. The "Planting Strip" is that area between the back of curb and the edge of the sidewalk closest to the street. Minimally, the landscaping shall include three trees and rock mulch/shrub material. The landscape shall be as set forth in the attached Exhibit A or as agreed to otherwise by the parties. The type of trees must be approved by the City. If the type of tree is included on the official list approved by the Forestry Board for plantings in a public way, then the tree type is acceptable to the City. The Owner shall maintain and care for the landscaping including but not limited to providing the necessary water and fertilizer to provide optimum growing conditions. If a tree is diseased, dying or dead, it shall be replaced by the Owner.

Owner shall not remove or replace any of the landscaping without prior approval of the City which approval shall not be unreasonably withheld. The intent of the City is that the area be landscaped in accordance with this agreement with the understanding that changes may need to be made due to loss of landscaping and or the need for the Owner to still reasonably operate its facilities on the Owner's Property.

The parties agree that this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Personal jurisdiction and venue for any action commenced by either party to this Agreement arising out of or relating to the Agreement shall be deemed to be proper only if such action is commenced in Mesa County, Colorado.

Executed by:

L Theisen Properties, LLC
a Colorado Limited Liability Company

Larry J. Theisen, Member

Constance M. Theisen

Constance M. Theisen, Member

State of Colorado)
(pkp))ss
County of ~~Mesa~~ Montrose)

The foregoing instrument was acknowledged before me this 29 day of July, 2013 by Larry J. Theisen, Member of L Theisen Properties, LLC.
My commission expires July 14, 2017.

Witness my hand and official seal.

Patricia A Hearne Powel

Notary Public

PATRICIA A HEARNE-POWEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094022196
MY COMMISSION EXPIRES JULY 14, 2017

State of Colorado)
(pkp))ss
County of ~~Mesa~~ Montrose)

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PATRICIA A HEARNE-POWEL
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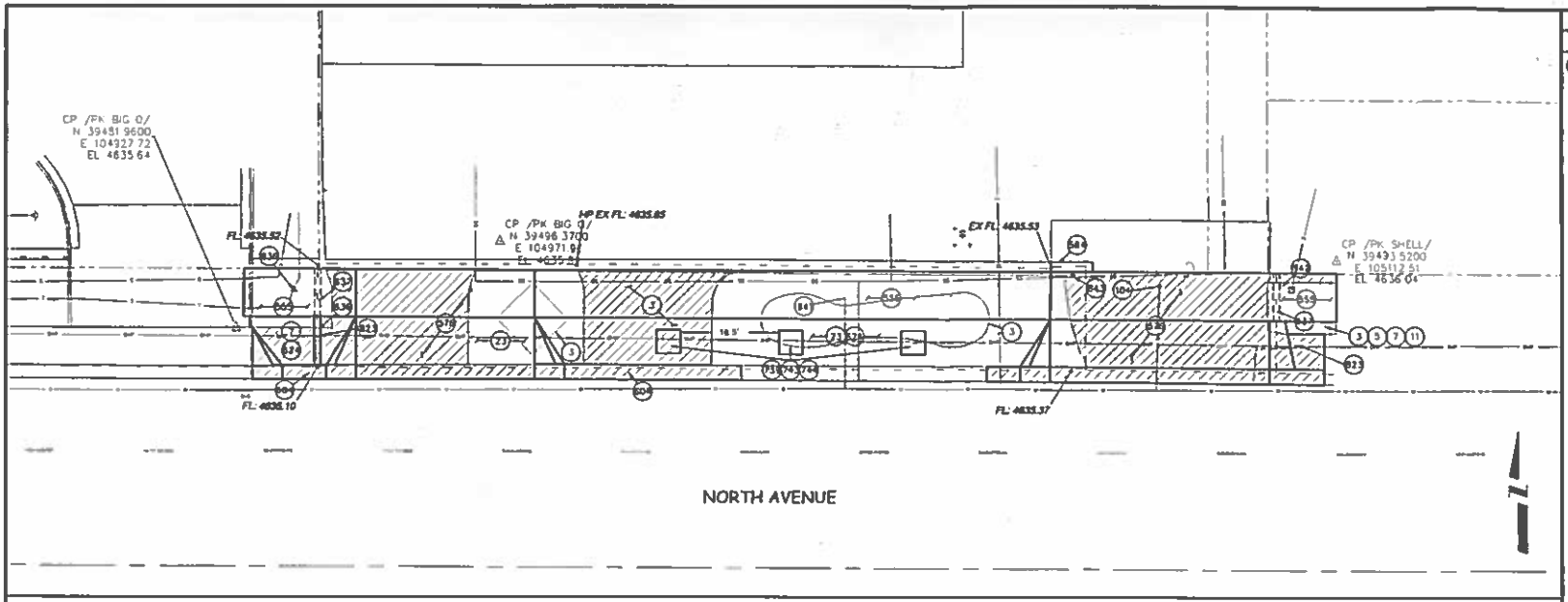
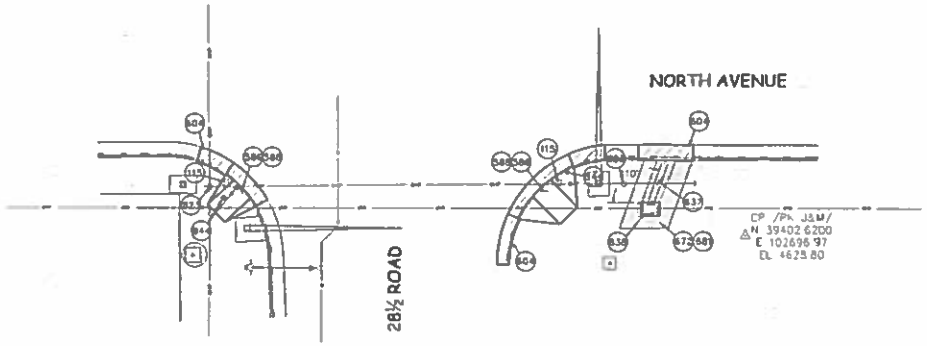
Patricia A Hearne Powel

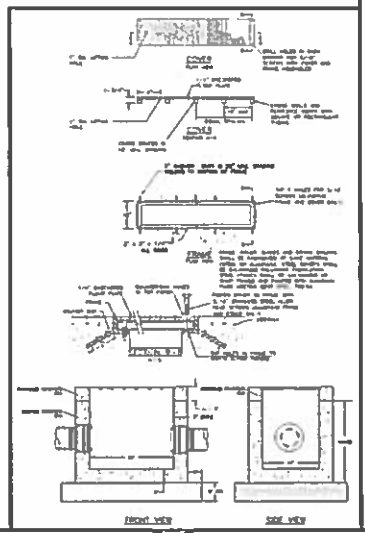
Notary Public

CITY OF GRAND JUNCTION

By: _____ 8/12/13
Greg Trainor, Director of Public Works, Utilities and Planning date







PROJECT NO. F005104

CONSTRUCTION NOTES

1. 202 – REMOVAL OF ASPHALT MAT. CUT AND REMOVE ASPHALT AS SHOWN (INDICATED BY DOT MATCH PATTERN)
3. 202 – REMOVAL OF CONCRETE. SAW CUT AND REMOVE CONCRETE AS SHOWN (INDICATED BY CROSS HATCH PATTERN) INCLUDES BUT NOT LIMITED TO CURB GUTTER, SIDEWALK, DRIVEWAY, SLABS, V-PAN, CURB R/ INTERSECTION CORNERS, APRONS, AND LANDSCAPE BORDERS.
5. 202 – REMOVAL OF BUSH
7. 202 – REMOVAL OF SHRUB
11. 202 – REMOVAL OF IRRIGATION SYSTEM
23. 202 – REMOVAL OF LANDSCAPE APPURTENANCE. REMOVAL SHALL BE AT A DEPTH OF 6" BELOW FINISH GRADE OF SURROUNDING CONCRETE.
104. 210 – ADJUST MANHOLE RIM TO GRADE.
115. 210 – ADJUST TRAFFIC PULLBOX TO FINISHED GRADE.
555. 608.08 – CONCRETE SIDEWALK (4" THICK) TO INCLUDE 4" OF CLASS 6 ABC.
576. 608.06 – CONCRETE DRIVEWAY SECTION (8" THICK) TO INCLUDE 4" OF CLASS 6 ABC.
584. 608.06 – CONCRETE DRAINAGE PAN (2 WIDE) TO INCLUDE 4" OF CLASS 6 ABC.
586. 608.08 – CONCRETE CURB RAMP TO INCLUDE 4" OF CLASS 6 ABC.
588. 606.06 – DETECTABLE WARNING MAT SET (CITY SUPPLIED)
604. 608.06 – CONCRETE CURB AND GUTTER (2'-6" WIDE) TO INCLUDE 4" OF CLASS 6 ABC.
624. 608.06 – COLORED CONCRETE (4" THICK) (COLOR TBD) TO INCLUDE 4" OF CLASS 6 ABC. TO BE INSTALLED BY OTHERS AND/OR A CITY APPROVED MATERIAL.
636. 608.06 – CONCRETE DRAINAGE PAN (1 WIDE) TO INCLUDE 4" OF CLASS 6 ABC.
637. SIDEWALK DRAIN TROUGH SEE PAGES D-13 AND D-14 OF THE STANDARD CONTRACT DOCUMENTS REVISED JULY, 2010.
638. CAST IN PLACE TOP OF EXISTING IRRIGATION BOX (APPROX. 8") TO FINISH GRADE, #4 DOWELS 18" O.C. SHALL INCLUDE FABRICATED FRAME AND COVER (SEE DETAIL ON PLAN SHEET) SEE STANDARD CONTRACT DOCUMENTS PAGE D-16 FOR FRAME AND COVER SPECIFICATIONS.
672. 304 – AGGREGATE BASE COURSE (CLASS 6) (4" THICK)
681. 401.08 – HOT BITUMINOUS PAVEMENT (PATCHING) (3" THICK) (GRADING S.X. BINDER GRADE PG 64-22) (TWO 1 1/2" LIFTS) TO INCLUDE 4" OF CLASS 6 ABC.
739. 810 – GROUND COVER MATERIAL (1/2" DECORATIVE ROCK)(4" THICK)(BY OTHERS).
743. 214 – STREET TREE (2-1/2 SPRING SHOW ORNAMENTAL) CITY SUPPLIED AND TO BE INSTALLED BY OTHERS
744. 4'x4' TREE WELL TO INCLUDE CITY APPROVED BACK FILL MATERIAL (BY OTHERS)
623. PROTECT UTILITY POLE.
836. RESET UTILITY PEDESTAL (BY OTHERS).
841. RESET WATER METER (BY OTHERS)
842. RESET UNDERGROUND ELECTRIC BOX AND OUTLET AT CONC. WALL AT BACK OF WALK (SEE SP-3).
843. RESET SANITARY SEWER CLEAN OUT TO FINISH GRADE.
844. REFERENCE & RESET PROPERTY PIN/REFERENCE CORNER (BY OTHERS).

DESCRIPTION	DATE
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

DRAWN BY JAH DATE 03/2013
DESIGNED BY JT DATE 03/2013
CHECKED BY DATE
APPROVED BY DATE

SCALE: PLAN

CITY OF Grand Junction COLORADO

PUBLIC WORKS AND PLANNING ENGINEERING DIVISION

NORTH AVENUE ACCESSIBILITY IMPROVEMENTS

1

PROJECT NO. F005104

CONSTRUCTION NOTES

739 610 – GROUND COVER MATERIAL (ROCK MULCH)(4" THICK)TO BE INSTALLED BY PROPERTY OWNER (CITY APPROVED). AREA = 748 SQ. FT.

743 214 – STREET TREE (2-1/2 SPRING SNOW ORNAMENTAL) CITY/OWNER (TBD) SUPPLIED. 3 EA

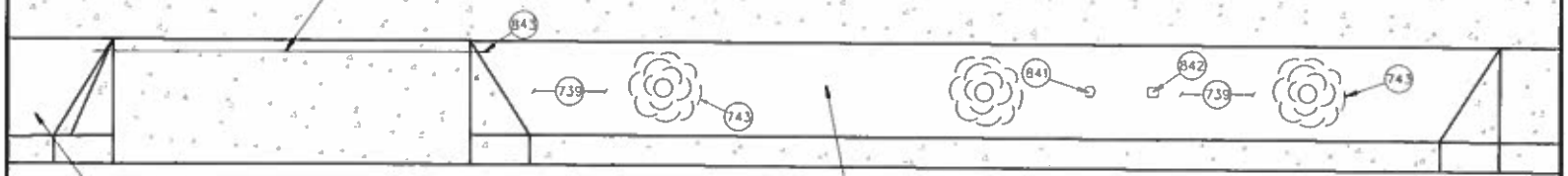
841 RESET WATER METER SET TO FINISH GRADE(BY CONCRETE CONTRACTOR).

842 BACK FLOW PREVENTION DEVISE FOR IRRIGATION SET TO FINISH GRADE(BY PROPERTY OWNER).

843 4" PVC SLEEVE FOR IRRIGATION (BY PROPERTY OWNER)

2894 NORTH AVENUE

OPTIONAL IF OWNER CHOOSES TO IRRIGATE WEST END



Rock Mulch/Shrub Area = 106 SQ. FT.

Rock Mulch/Shrub Area = 642 SQ. FT.

NORTH AVENUE

tabbies

EXHIBIT

DESCRIPTION	DATE
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

DRAWN BY JST DATE 08/2013
DESIGNED BY JST DATE 08/2013
CHECKED BY DATE
APPROVED BY DATE

SCALE: PLAN

CITY OF Grand Junction COLORADO

PUBLIC WORKS AND PLANNING ENGINEERING DIVISION

NORTH AVENUE ACCESSIBILITY IMPROVEMENTS LANDSCAPE PLAN

1