

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this 12th day  
of February A. D. 19 65, by and between THE CITY OF FORT  
COLLINS, a municipal corporation, hereinafter designated as first party,  
and Elliott Miller Construction Co. Inc & George Varra

Hereinafter designated as second party, WITNESSETH:

WHEREAS, second party has heretofore submitted a subdivision  
plat of the subdivision to be known as Alvin L. Miller Foothills Subdivision, Second  
Filing  
For approval by the Municipal Planning and Zoning Board and  
the City Council of the City of Fort Collins, and

WHEREAS, said subdivision plat is acceptable to first party  
and first party's Planning and Zoning Board, subject to construction of  
utilities in the area to be subdivided,

NOW, THEREFORE, in consideration of the premises and the terms  
of this agreement, it is mutually agreed as follows:

1. First party agrees that said subdivision plat shall be,  
and the same is hereby approved.

2. In consideration of the approval of said plat by first  
party, and first party's Planning and Zoning Board, second party agrees  
as follows:

(A) To submit to first party the following detailed  
improvement plans, acceptable to the first party:

(1) A plan of the proposed water distribution system  
including the connecting pipelines to the points of connection to the  
first party's existing water distribution system and showing all valves  
and fire hydrants.

(2) Plans and profiles of the proposed sanitary sewer  
system including all manholes and connections to the first party's  
existing sanitary sewer system.

(3) A plan of the proposed electrical distribution system  
including connecting lines to the first party's existing electrical  
distribution system and including all street lights.

(4) Plans and profiles of all street improvements.

(5) Plans and profiles of the proposed street drainage  
system showing the connections to the first party's storm sewer system

and including all storm sewer inlets and manholes.

(6) Items A (1) to A (5) inclusive are to be financed by the party of the second part, excepting only Item (3) electrical distribution system. All material required for street lights are to be paid for by the party of the second part to the Light & Power Department of the City.

In the event the City of Fort Collins shall require larger water mains, sanitary sewer mains or storm sewer mains to be constructed within the subdivision than would be required by standard engineering practices to serve the subdivision, in order to properly extend these services to other areas, the City of Fort Collins will pay a portion of the cost of such enlarged facility based on pro-rata of the cost of the facility actually constructed and the estimated cost of such facility as shown on the subdivider's approved plan. Such pro-rata of costs between the City of Fort Collins and the subdivider shall be determined in advance of construction by the City Engineer and in the event of any dispute this matter shall be submitted to the City Council for final determination.

IN WITNESS WHEREOF, first party has caused these presents to be signed by its Mayor and its corporate seal to be hereunto attested by its City Clerk, pursuant to motion of the Council of the City of Fort Collins dated the 11th day of February A. D., 1965, and second party has hereto set his hand and seal the day and year first hereinabove written.

THE CITY OF FORT COLLINS.  
A Municipal Corporation

By Harvey G. Johnson  
Mayor  
First Party

ATTEST:

[Signature]  
City Clerk

[Signature] Miller Const Co.  
[Signature] (SEAL)  
Second Party  
[Signature] Vice Pres