

**CONDITIONAL USE AGREEMENT
CITY OF COMMERCE CITY - PHILLIPS PIPELINE COMPANY
CASE NO. CU-2-87**

This Agreement is made and entered into this 31st day of December, 1987, by and between the City of Commerce City, Colorado, a Municipal corporation ("CITY"), and Phillips Pipeline Company, a Colorado corporation, 3960 East 56th Avenue, Commerce City, Colorado, 80022, ("PHILLIPS").

RECITALS:

WHEREAS, PHILLIPS is the owner of that property described on attached Exhibit "A" which is zoned Heavy Industrial District (I-3) pursuant to the zoning ordinance of the City of Commerce City, and

WHEREAS, on December 7, 1987 in Case No. CU-2-87 PHILLIPS was granted a conditional use by the City Council of the CITY for the subject property pursuant to the zoning ordinance of the City of Commerce City, and

WHEREAS, said conditional use authorized the operation of a petroleum products storage and distribution facility at 3960 East 56th Avenue, Commerce City, Colorado, 80022, subject to the following conditions:

1. Construction on the subject property shall commence within six months and be completed within 18 months of the date of rezoning of the subject property.
2. The applicant shall provide approximately 600 square feet of landscape material along the north property line. Landscape material shall consist of a minimum of six trees, twelve shrubs, and one-hundred percent living ground cover. The landscape plan shall be submitted to and reviewed by the Department of Community Development, prior to issuance of a building permit.
3. The applicant shall apply for a building permit for the proposed structure.
4. Any change or substantial modification in use shall be subject to Conditional Use review by the Planning Commission and approval by the City Council.
5. Any substantial alterations, extensions, improvements, or new construction on the subject property must be reviewed by the Planning Commission and approved by City Council as a component of Case No. CU-2-87, prior to issuance of any building permits. Substantial alterations, extension, improvements, or new construction shall mean any structures in excess of 200

square feet, or any work requiring approval by the Colorado Department of Labor, State Oils Inspection Section.

6. The Conditional Use shall be granted to Phillips Pipeline Company with the right of assignment, subject to review and approval by the City Council.

7. A Conditional Use Agreement incorporating the terms and conditions of this approval shall be executed by the applicant by December 21, 1987.

NOW THEREFORE, in compliance with the conditional use approval it is agreed as follows:

1. PHILLIPS has reviewed and does hereby agree to the above conditions of the Conditional Use Approval granted by the City Council of the CITY in Case No. CU-2-87.

2. This Agreement shall be recorded by the CITY and shall constitute a covenant running with the land described on attached Exhibit "A".

IN WITNESS WHEREOF, the parties have set their hands effective the day and year first above written.

CITY OF COMMERCE CITY, COLORADO

By:

D.L. Wilson
D.L. Wilson, Acting City Manager

ATTEST:

Betty J. Martin
Betty J. Martin, City Clerk

PHILLIPS PIPELINE COMPANY

By:

R. L. [Signature]
Attorney-In-Fact

WITNESS:

[Signature]

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this
_____ day of December, 1987 by D.L. Wilson, Acting City Manager
and Betty J. Martin, City Clerk of the City of Commerce City,
Colorado, a Municipal corporation.

My Commission Expires:

March 11, 1990

Terri Lee Brown
Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this
7th day of January, 1988 by R. W. Shelburne as
ATTORNEY-IN-FACT _____ of
Phillips Pipeline Company, a Colorado corporation.

My Commission Expires:

September 24, 1988

Susan H. Christ
Notary Public