

AGREEMENT

THIS AGREEMENT, is entered into this 5th day of February, 2013 between the City of Lemoore, herein designated as CITY and Giannola Management, herein designated as OWNER (collectively, the "Parties").

WITNESSETH:

WHEREAS, the City approved Administrative Site Plan Review 2011-09, to which reference is made, wherein the City approved the expansion of McDonald's Restaurant at the southwest corner of Hanford-Armona Road and Lemoore Avenue in exchange for, inter alia, widening of Lemoore Avenue to allow u-turn movement for north bound Lemoore Avenue traffic (the "street improvements" which are also set forth in Attachment A); and

WHEREAS, street improvements were not completed at the time of restaurant expansion and Owner has agreed to deposit with the City \$60,000 to be applied toward the cost of said street improvements in lieu of widening of Lemoore Avenue to allow u-turn movement for north bound Lemoore Avenue traffic at this time; and

WHEREAS, City will combine the \$60,000 deposit from Owner with a future City street/signal light project to benefit from economies of scale. In exchange for Owner's participation the City agrees to not restrict left turn movements from west bound Hanford-Armona Road into the site until construction on Lemoore Avenue allows for u-turns, and will require no further contribution from Owner for the street improvements.

NOW THEREFORE, IT IS UNDERSTOOD AND AGREED as follows: Owner will deposit \$60,000 into the account designated by City for Owner's contribution for the traffic signal/street work on the southwest corner of Lemoore Avenue and Hanford-Armona Road. The deposit of \$60,000 shall fully satisfy Owner's obligation for ingress/egress as set forth in the conditions of approval for Administrative Site Plan Review 2011-09, and no further contribution, either monetarily, by dedication of right-of-way, or in kind, shall be required from Owner. The City

further acknowledges that all other conditions of approval for Administrative Site Plan Review 2011-09 have been satisfied. Payment of the deposit to the City shall be made by April 30, 2013.

This agreement is binding upon the successors and assigns of the Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement or caused the same to be executed by the officer thereunto duly authorized, effective on the day and year first written above.

CITY:

OWNER:

Attest:

Kristie R. Baley, City Clerk