

December 31, Cole Neighborhood Assn

Blackberry Bar & Grill Good Neighbor Agreement

This agreement is entered into in January, 2009 between Tex Mex Enterprise, LLC, dba Blackberries Bar & Grill (Blackberries) and Whittier Neighborhood Association, Cole Neighborhood Association and Curtis Park Neighbors (collectively Neighborhood).

Whereas, Blackberries Bar & Grill operates a restaurant at 3090 Downing Street, Denver, Colorado, also known as Dynasty, and has applied for a dance cabaret license in the name of Tex Mex Enterprise, LLC for the premises and is scheduled to have a hearing on that application on January 7, 2009 before the Denver Department of Excise and Licenses; and

Whereas, the three Neighborhood groups are registered neighborhood organizations in Denver, Colorado and have been engaged in efforts for many years to protect and improve the health, safety, quality of life, peace and quiet in their residential and business neighborhoods surrounding 3090 Downing Street, and all parties want to continue to protect and improve the health, safety, quality of life, peace and quiet of the surrounding area;

Therefore, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. Tex Mex Enterprise, LLC, dba as Blackberries Bar & Grill will:
 - a. Agree to have as a condition of the dance cabaret license, if it is issued by the Department of Excise and Licenses, that the dance cabaret license will apply only to Tex Mex Enterprise, LLC, dba Blackberries Bar & Grill, operated or managed by Sudan Muhammad, or owned by Sudan Muhammad, should he exercise his option to purchase Tex Mex Enterprise, LLC; and will not be transferred, leased or subleased to any other owner or manager unless a prospective owner, operator or manager has met with representatives of the three Neighborhood organizations and has received approval from at least two of the Neighborhood organizations which will not be unreasonably withheld.
 - b. Provide an adequate security presence inside and outside the immediate property, with increased security and off duty Denver Police officers for special events.
 - c. Remove graffiti from the premises within 48 hours.
 - d. Provide for trash pick-up by having Blackberries' staff walk the perimeters of the property picking up any trash immediately after closing, or at the latest by 10:00 am the following morning.
 - e. Reduce noise intrusion into the neighborhood by keeping the doors and windows closed anytime after 8:00 p.m., by abiding by Denver's noise ordinance and by providing a phone number of the owner or manager to the Neighborhood organization presidents and to immediate neighbors to enable them to communicate any noise or other complaints.
 - f. Address parking issues by directing patrons to nearby designated parking lots.
 - g. Meet with the three registered Neighborhood president's or their designated representatives to evaluate compliance with this Good Neighborhood Agreement at least one month in advance of the yearly anticipated renewal of the dance cabaret license by Denver Department of Excise and License.
2. The Neighborhood agrees:
 - a. To support Tex Mex Enterprise, LLC, dba Blackberries Bar & Grill's application for a dance cabaret license. This includes, but is not limited to; attendance and verbal testimony by at least one representative each for Whittier, Cole and Curtis Park Neighborhoods at the Hearing. These Neighborhood representatives will testify that the Neighborhoods support the application for a dance cabaret license, based upon and conditioned upon this Good Neighbor Agreement between the parties to this Agreement.
3. All parties to this Good Neighbor Agreement request the Denver Department of Excise and Licenses to attach the Agreements enumerated herein in paragraph 1 as conditions upon any dance cabaret license which may be issued to Tex Mex Enterprise, LLC, dba as Blackberries Bar & Grill.