

NEIGHBORHOOD AGREEMENT

This agreement is entered into as of this 7th day of December, 2007 by and between Encore Restaurant LLC (located at 2550 E. Colfax), hereafter referred to as "Encore" and Congress Park Neighbors, Inc. ("CPN") a City of Denver recognized Registered Neighborhood Organization representing Congress Park.

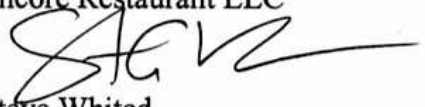
WHEREAS Encore has applied to the City for a Hotel and Restaurant License, which will include an outdoor patio, and a Standard Cabaret License; and

WHEREAS CPN is engaged in efforts to protect and improve the safety and quality of life in Congress Park;

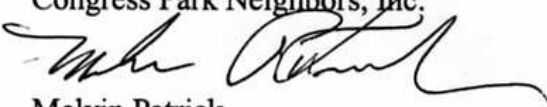
THEREFORE, in consideration of the mutual promises and covenants contained herein; the parties agree as follows:

1. Encore agrees to maintain the type of cabaret entertainment as piano and singing without a dance area;
2. Encore agrees to, for the outdoor patio;
 - A. On Sunday through Wednesday cease seating on the patio at 10:00 p.m. and have the doors/windows to the patio closed at 11:59 p.m.;
 - B. On Thursday through Saturday cease seating on the patio at 11:00 p.m. and have the doors/windows to the patio area closed at 11:59 p.m.;
 - C. Maintain any music heard on the patio or played over patio/exterior speakers as background music and turn off any such speakers at the times when doors/windows to the patio are closed (as described immediately above in A. & B.)
3. Encore agrees to use best efforts to inform any potential successor to the business at the earliest opportunity of the strong desire of neighbors surrounding the premises that conditions herein be maintained;
4. Encore agrees not to oppose neighbors' efforts to obtain residential parking (for one side of street only);
5. CPN agrees not to oppose Encore's Liquor License applications being heard before the Department of Excise and License on December 7th, 2007;
6. ~~This agreement shall be attached to the Liquor Licenses and, to the fullest extent permissible by law, be binding upon any successor or transferee; and~~
7. This agreement may be executed in any number of counterparts and by facsimile and when so executed and delivered shall have the same force and effect as though the signatures appeared on one document.
8. If any provision of this agreement shall be held by a court of competent jurisdiction to be contrary to law, such provision shall be changed and interpreted so as to best accomplish the objectives of the original provision to the fullest extent allowed by law and the remaining provisions of this agreement shall remain in full force and effect.

Encore Restaurant LLC


Steve Whited
Owner/Member

Congress Park Neighbors, Inc.


Melvin Patrick
Chairman, CPN Zoning Committee