



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: OCTOBER 5, 2021

RE: RESOLUTION 2021 - 28, A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR THE MULBERRY ALLEY IMPROVEMENTS PROJECT.

BACKGROUND:

This is a request for a final release of the Development Improvements Agreement (DIA) for the Mulberry Alley Improvements project. The DIA was approved by City Council on April 16, 2019 and a 1st Release was approved by Council on September 17, 2019.

DIA Approved – Resolution #2019-16 on August 15, 2017.
1st Release of DIA – Resolution #2019-48 on September 17, 2019.

The purpose for the DIA was for alley improvements between South Mesa Street and South Mulberry Street on the south side of East McCune Avenue. Improvements were made to utilities such as irrigation, sewer, and concrete. Because the improvements were in city right-of-way, the DIA was required.

The warranty period has expired for the DIA and the required improvements have been inspected by city staff and the improvements appear to have been completed as required by the approved construction plans and the DIA. The improvements have been found to be free of defects in materials and workmanship as required.

FISCAL IMPACT

The city took the responsibility for maintenance of public facilities and began to provide city services when the 1st release of the DIA was approved. There should be no

additional fiscal impact to the city created with the final release of the DIA as long as the improvements are free from defects or other problems. There does not appear to be any problems with the improvements.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The process of approving and releasing a DIA ensures that the city's policy of requiring development to pay its own way is met and that residents and taxpayers of the city are not subsidizing growth.

OPTIONS AVAILABLE TO COUNCIL

1. Adopt Resolution 2021-28, A Resolution of the Fruita City Council Approving the Final Release of the Development Improvements Agreement for the Mulberry Alley Improvements project.
2. Direct staff to research any area of the improvements on which Council has concerns or questions.

RECOMMENDATION

Staff recommends that the City Council by motion:

ADOPT RESOLUTION 2021 - 28, A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR THE MULBERRY ALLEY IMPROVEMENTS PROJECT.

RESOLUTION 2021-28

**A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL
RELEASE OF THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR THE
MULBERRY ALLEY IMPROVEMENTS PROJECT.**

WHEREAS, the developer of the Mulberry Alley Improvements project entered into a Development Improvements Agreement recorded in the records of the Mesa County Clerk and Recorder (reception #2880697) to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the 1ST release of the funding guarantee for the required improvements and the start of the required two-year warranty period was approved by the City Council on September 17, 2019, and

WHEREAS, the two-year warranty period has lapsed since acceptance of the improvements and they have been found by city staff to be free of defects in materials and workmanship or other problems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

THAT the Mulberry Alley Improvements project is released from the Development Improvements Agreement including the two-year warranty period.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 5TH DAY OF OCTOBER 2021.**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor