



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: OCTOBER 5, 2021

RE: RESOLUTION 2021 - 27, A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE VILLAGE AT COUNTRY CREEK FILING 5 SUBDIVISION.

BACKGROUND:

This is a request for a final release of the Subdivision Improvements Agreement (SIA) for the Village at Country Creek Filing 5 Subdivision. The SIA was approved by City Council on August 15, 2017 and a 1st Release was approved by Council on March 6, 2018.

SIA Approved – Resolution #2017-33 on August 15, 2017.
1st Release of SIA – Resolution #2018-04 on March 6, 2018.

The warranty period has expired for the SIA and the required improvements have been inspected by city staff and the improvements appear to have been completed as required by the subdivision approval and the SIA. 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 SIA was approved. There should be no additional fiscal impact to the city created with the final release of the SIA 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 an SIA 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 2020-27, A Resolution of the Fruita City Council Approving the Final Release of the Subdivision Improvements Agreement for the Village at Country Creek Filing #5 Subdivision.
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 - 27, A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE VILLAGE AT COUNTRY CREEK FILING 5 SUBDIVISION.

RESOLUTION 2021-27

**A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL
RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE
VILLAGE AT COUNTRY CREEK FILING 5 SUBDIVISION.**

WHEREAS, the developer of the Village at Country Creek Filing 5 Subdivision entered into a Subdivision Improvements Agreement recorded in the records of the Mesa County Clerk and Recorder (reception #2817806) 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 March 6, 2018, 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 Village at Country Creek Filing 5 Subdivision is released from the Subdivision 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