

RESOLUTION 2019-68

**A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FIRST
RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE OAK
CREEK ESTATES SUBDIVISION**

WHEREAS, the developer of the Oak Creek Estates Subdivision entered into a Subdivision Improvements Agreement recorded in the records of the Mesa County Clerk and Recorder at Reception #2886015 to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the developer has requested a 1st release of the performance guarantee and to start the two-year warranty period for the subdivision improvements, and

WHEREAS, improvements required by the Subdivision Improvements Agreement for the Oak Creek Estates Subdivision have been inspected and have been sufficiently completed to allow a 1st release of the SIA, and

WHEREAS, a bill of sale for the required public improvements that will belong to the City of Fruita has been provided and is attached as Exhibit A.

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

THAT the required subdivision improvements for the Oak Creek Estates Subdivision are approved for 1st release of the Subdivision Improvements Agreement, subject to 10% of the total cost of improvements being retained for the required two-year warranty period as required by the subdivision improvements agreement.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 3RD DAY OF DECEMBER, 2019.**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor

Exhibit A to Resolution 2019-68

BILL OF SALE

Oak Creek Estates

KNOW ALL MEN BY THESE PRESENTS, that GREA, LLC, AND BOA Builders LLC (Property Owner Name AND Developer Name) of the County of Mesa, State of Colorado (Seller), for and in good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold and by these presents does grant and convey unto the City of Fruita, Colorado, a municipal corporation (Buyer), its successors and assigns, the following property, goods and chattels, to wit:

Type of Improvement	Description	Quantity	Measurement	City Use
Streets				
Interior to subdivision	Oak Creek Ave and Limber Pine Street	1586	Linear feet	
Offsite street improvements	18.5 Rd and K.4 Rd	1553	Linear feet	
Curbs, gutters and sidewalk	On and offsite	4202	Linear feet	
Street signs	Signage	17	Each	
Street lights	Street Lights	5	Each	
Storm Sewer				
Lines	24" HDPE	57	Linear feet	
Inlets	Type R	2	Each	
Other				
Sewer Lines and Appurtenances:				
Lines, Mains	8" main	1993	Linear feet	
Manholes	4' dia., standard	8	Each	
Other				
Open Space dedicated to City				
Land	N/A	0	Acres	
Improvements				

Transferred FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES located at: 1149 18.5 Road and 1840 K 4/10 Road, Fruita, CO.

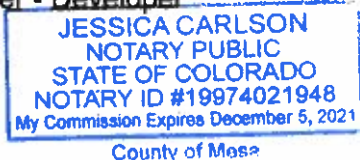
TO HAVE AND TO HOLD the same unto the said Buyer, its successors and assigns, forever. The said Seller covenants and agrees to and with the Buyer, its successors and assigns, to WARRANT AND DEFEND the sale of said property, goods and chattels, against all and every person or persons whomever. When used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 11th day of November 2019.

[Signature]
Signature of Seller - Property Owner

[Signature]
Signature of Seller - Developer

STATE OF COLORADO)
)
COUNTY OF MESA)



The foregoing instrument was acknowledged before me this 25th day of November, 2019 by

Charlie Gechter, as member of GREA, LLC and Charlie Gechter, as member of BOA Builders, LLC (Sellers name).

WITNESS MY HAND AND OFFICIAL SEAL

My Commission Expires: 12-5-21

Notary Public: *[Signature]*