

ORDINANCE 2018-24

AN ORDINANCE OF THE FRUITA CITY COUNCIL AMENDING SECTION 17.15.170
B, FINAL PLAT HOLD, OF THE FRUITA LAND USE CODE.
(Application #2018-46)

WHEREAS, the Fruita Planning Commission held a public hearing on October 9, 2018, regarding this issue and recommended approval of the proposed amendment, and

WHEREAS, a public hearing was held before the Fruita City Council on October 2, 2018, and November 6, 2018, regarding the proposed amendment.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

(Additions are shown in *bold and italics* and deletions are shown in ~~strikethrough~~)

17.15.170 GUARANTEE OF IMPROVEMENTS. In order to secure the construction and installation of the public and other required subdivision improvements, the subdivider shall choose one of the following options prior to the recording of the subdivision Final Plat:

- A. Subdivision Improvements Agreement. Furnish the city with a performance guarantee satisfactory to the city, as set forth in a subdivision improvements agreement along with other required documents before recording the final plat. (See also, Chapter 17.21.)
- B. Final Plat Hold. Complete all required improvements according to the subdivision approval and approved for construction drawings the same as would be required for a recorded Final Plat with a subdivision improvements agreement, pursuant to Chapter 21 of this Title. A subdivision improvements agreement is required for any improvement involving existing public right-of-way or other existing public property. Before the Final Plat is recorded, an up-to-date title search is required to ensure that there are no additional liens on the property. Failure to provide clear title to land/improvements may result in vacation of the approved Final Plat. All required improvements must be inspected by staff, and accepted by the City Council before the Final Plat is recorded. Additionally, a warranty is required for the improvements before the Final Plat is recorded. The warranty shall be the same as that required in subdivision improvements agreements in Chapter 21 of this Title.
 - 1. *If the developer selects a Final Plat Hold as the form of financial guarantee, developer shall furnish the City with a surety bond, irrevocable standby letter of credit or cash escrow in the amount of two thousand five hundred dollars (\$2,500.00) per acre to secure necessary and appropriate grading and revegetation in the event of a default by the developer under the Subdivision Improvements Agreement prior to the recording of the final plat. If a default to the Subdivision Improvements Agreement has been determined by the Community Development Director, the City of Fruita has the authority to access such funds for grading and revegetation purposes.*

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
6th DAY OF NOVEMBER, 2018**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor