

**RESOLUTION 2007-05
FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS
AND RELEASE OF PERFORMANCE GUARANTEE
FRUITA HOME FRONT SUBDIVISION**

WHEREAS, the Subdivision Improvements Agreement for Fruita Home Front Subdivision as recorded in Book 3878, at Page(s) 602 thru 627, was released by Resolution 2005-84 on 08/16/05, subject to retention of 10% of the cost for construction and installation of the improvements as a performance guarantee for one year from the date of acceptance of the improvements by the Community Development Director, and,

WHEREAS, a one-year period has lapsed since acceptance of the public improvements and they have been found by the City Engineer to be free of defects in materials and workmanship.

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

1. That the conveyance of the physical facilities necessary for the extension, maintenance and repair of municipal utility service located in Fruita Home Front Subdivision, as more fully described in Exhibit A attached hereto, is hereby accepted, and
2. That the Fruita Home Front Subdivision, be released from the Public Improvements Performance Guarantee recorded in book 3878 pages 628-629 required pursuant to Section 17.21.070 of the Fruita Municipal Code which warrants that the title conveyed shall be good and its transfer rightful; any and all facilities conveyed shall be free from any security interest or other lien encumbrance; and all public improvements are free of defects in workmanship and materials.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 16th DAY OF JANUARY 2007

CITY OF FRUITA

E. James Adams, Mayor

ATTEST:

City Clerk

Resolution 2007-05
Exhibit A
Legal Description

Lot 6, Frank D. Kiefer's Orchard Subdivision to the Town of Cleveland.