

RESOLUTION NO. R2024-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE CREEKFALL SUBDIVISION, PHASES 1 AND 2; AND APPROVING A WARRANTY BOND TO ASSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS

WHEREAS, the City Council of the City of Burnet (Council), Texas, has determined that public street, water, wastewater, and electrical distribution improvements (Improvements) constructed within The Creekfall Subdivision, Phases 1 and 2 have been constructed in accordance with the construction plans approved for construction of said subdivision; and

WHEREAS, Council has further determined that as constructed, said plans have been found to be in compliance with applicable City design specifications; and

WHEREAS, the developer of the referenced improvements, has satisfied all applicable provisions of the City of Burnet, Code of Ordinances, Chapter 98 – Subdivisions;

WHEREAS, the developer desires the infrastructure to be dedicated for public maintenance and use in accordance with the City's Subdivision Ordinance; and

WHEREAS, the City Engineer conducted a preliminary inspection of the infrastructure and determined that there are no substantive defects preventing acceptance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section One. Findings. The recitals set out above are hereby approved and incorporated herein for all purposes.

Section Two. Preliminary Acceptance of Improvements. The City Council hereby preliminarily accepts for public use and maintenance, the street improvements, public water system, and public infrastructure constructed within The Creekfall Subdivision, Phases 1 and 2; as shown on the plat of the subdivision to be subject to public dedication.

Section Three. Maintenance guarantee accepted. The Maintenance Bond for the warranty and maintenance of the public improvements required for The Creekfall Subdivision, Phases 1 and 2 in an amount equal to ten percent of the cost of improvements verified by the city and running for a period of one calendar year measured from the date of the of approval of this resolution is hereby approved subject to the conditions that follows:

- (a) Should a defect or failure of the infrastructure occur within the warranty period, the defect or failure shall be cured by the Developer; and
- (b) Should the Developer fail to cure, the City may utilize the bond to cure; and
- (c) The warranty period shall extend for an additional year after any cure of a defect or failure and the Developer shall provide fiscal security for the extended warranty period.

Section Four. Final Acceptance of Improvements. Prior to the date of expiration of the Warranty Bond, the preliminarily accepted improvements shall be inspected by the City Engineer. Should the inspection find such improvements free of defect or failure the City Engineer may issue a letter of acknowledgement of final acceptance of the improvements. However, should a defect or failure be discovered such defect or failure shall be addressed in accordance with section three herein.

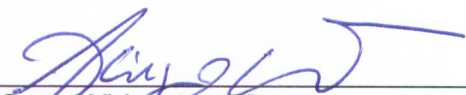
Section Five. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section Six. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED on this the 22nd day of October 2024.




CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Maria Gonzales, City Secretary

Warranty Bond



MAINTENANCE BOND

BOND NO. HSHNSU0855267

KNOW ALL MEN BY THESE PRESENTS: THAT WE, Nelson Lewis, Inc.

as Principal, and

Harco National Insurance Company, Illinois Corporation of
4200 Six Forks Rd, Suite 1400, Raleigh, NC 27605

licensed to do business in the State of Illinois and, as Surety, are held and firmly bound unto
CITY OF BURNET, 1001 BUCHANAN DRIVE, SUITE 4 | P.O. BOX 1389 BURNET, TX 78611

as Obligees, in the full and just sum of Three Hundred Fifty Eight Thousand Two Hundred Forty Seven Dollars and No Cents

(\$ 358,247.00)

Dollars lawful money of the United States of America to the payment of which sum, well and truly to be made, the Principal and the Surety bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED AND DATED THIS 22nd day of April, 20 24

THE CONDITION OF THIS OBLIGATION IS THAT, WHEREAS the Principal entered into a contract with the Obligees for Creekfall Ph1 & Ph 2 Subdivision, Water, Wastewater, Drainage, Electric, Grading and Street Improvements

AND WHEREAS, the Obligees requires a guarantee from the Principal against defective workmanship in connection with said Contract.

NOW, THEREFORE, if the Principal shall make any repairs or replacements which may become necessary during the period of One-Year thru April 22nd, 2025 because of defective workmanship in connection with said contract of which defectiveness the Obligees shall give the Principal and Surety written notice within (30) thirty days after discovery thereof, then this obligation shall be void; otherwise it shall be in full force and effect.

All suits at law or proceedings in equity to recover on this bond must be instituted within twelve (12) months after the expiration of the maintenance period provided for herein.

Nelson Lewis, Inc.

Witness

Susan Jobler

[Signature]

Principal

Harco National Insurance Company

Witness

Carmelita Doss
Carmelita Doss, Secretary

[Signature]

Kenneth Nitsche

Attorney-in-Fact