

**RESOLUTION NO. R2022-49**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND WASTEWATER IMPROVEMENTS CONSTRUCTED WITHIN THE CROSSINGS AT 281 SUBDIVISION; AND APPROVING FISCAL SURETY FOR INFRASTRUCTURE IMPROVEMENTS; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Burnet (Council), Texas, has determined that public street, water, and wastewater improvements (Improvements) constructed within The Crossings at 281 Subdivision have been constructed in accordance with the construction plans approved for construction of said subdivision;

**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 COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1. Findings.** The recitals to this Resolution are incorporated herein for all purposes.

**Section 2. 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 Crossings at 281 Subdivision; as shown on the plat of the subdivision to be subject to public dedication.

**Section 3. Maintenance guarantee accepted.** The Maintenance Bond for the warranty and maintenance of the public improvements required for The Crossings at 281 Subdivision 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 signing and recording of the final plat 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;
- (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 4. 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 5. 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.

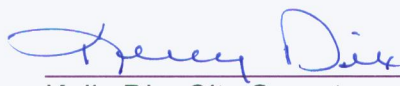
**Section 6. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

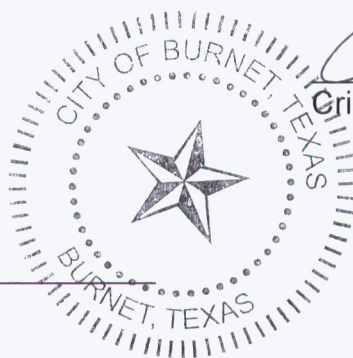
**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Burnet this the 14<sup>th</sup> day of June 2022.

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



**EXHIBIT A – Maintenance Bond**



Bond No. 3846419

**MAINTENANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, Fromberg Construction, LLC as Principal, and the **GREAT AMERICAN INSURANCE COMPANY**, a corporation organized under the laws of the State of Ohio and duly authorized to transact business in the State of Texas as Surety, are held and firmly bound unto City of Burnet as Obligee, in the sum of One Hundred Ten Thousand Two Hundred Ten And 16/100 \$110,210.16 DOLLARS, for the payment whereof well and truly to be made, and Principal and the said Surety, bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, sealed and dated this 25th day of March, 2022.

WHEREAS the Principal and the Obligee have entered into a written agreement dated the 12th day of July, 2021, for 281 South Commercial Park Subdivision Improvements the terms of which agreement were completed and accepted the 22nd day of February, 2022, and

WHEREAS the Principal has given a One (1) year maintenance guarantee under said agreement or otherwise against defective materials and workmanship.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall well and truly comply with such guarantee, then this obligation to be void; otherwise it shall remain in full force.

PROVIDED that no right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein; and

PROVIDED FURTHER that the Surety shall have no liability under this bond unless the Obligee shall give written notice of claim of the Principal's failure to comply with such guaranteed to the Surety at its Administrative Office at 301 E. Fourth Street, Cincinnati, Ohio 45202 such notice to be given within the One (1) year maintenance period.

Fromberg Construction, LLC  
Principal

GREAT AMERICAN INSURANCE COMPANY  
By: [Signature]  
Attorney-in-Fact  
John W. Schuler