

**RESOLUTION NO. R2022-81**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, WASTEWATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE DELAWARE SPRINGS, SECTION 19, PHASE THREE SUBDIVISION; AND APPROVING MAINTENANCE LETTER OF CREDIT TO ASSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS**

**WHEREAS**, the final plat of Delaware Springs, Section 19, Phase Three Subdivision, constitutes a subdivision of land falling under the purview of Chapter 98 (entitled "Subdivisions") and was approved by City Council on June 14, 2022; and

**WHEREAS**, the developer of the Delaware Springs, Section 19, Phase Three Subdivision, has caused streets, water, wastewater and electrical improvements (collectively "infrastructure") to be constructed to serve the subdivision; and

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

**WHEREAS**, Section 98-61(g) of the Subdivision Ordinance provides City Council may accept the infrastructure for public dedication provided all improvements were satisfactorily completed, copies of as-built plans, and computer generated drawings, were prepared and submitted to the City by the design engineer, a statement sealed by a licensed engineers stating all improvements have been installed and constructed in accordance with the submitted as-built plans, Copies of all inspection reports, and certified test results of construction materials that were submitted to and approved by the design engineer, the required maintenance guarantee was provided, and any and all other requirements identified in the platting process have been satisfied; and

**WHEREAS**, the City Engineer has confirmed the developer has complied with the requirements of chapter 98; and

**WHEREAS**, the City Engineer has 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 one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas and made a part hereof for all purposes and findings of fact.

**Section two. Preliminary Acceptance of Improvements.** The City Council hereby preliminarily accepts for public use and maintenance, that infrastructure constructed within the Delaware Springs, Section 19, Phase Three Subdivision, and shown on the plat of the subdivision to be subject to public dedication.

**Section three. Maintenance guarantee accepted.** The Letter of Credit of \$30,061.50 provided by Langley Homes, Inc. to assure the warranty and maintenance of the infrastructure is hereby approved subject to the conditions that follows:

- (a) the warranty period shall commence on November 9, 2022 and end on November 9, 2023;
- (b) should a defect or failure of the infrastructure occur within the warranty period, the defect or failure shall be cured by the Developer;
- (c) should the Developer fail to cure, the City may utilize the Letter of Credit to cure; and
- (d) 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.

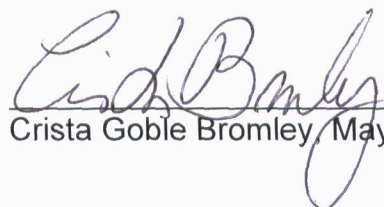
**Section four. Final Acceptance of Improvements.** Prior to the date of expiration of the Letter of Credit, the preliminarily accepted improvements shall be inspected by the City Engineer. Should the inspection find such improvements free of defect or failure the City Engineer may issue a letter of 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.** This resolution shall take immediate effect.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Burnet this the 9<sup>th</sup> day of November, 2022.

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

