



Item Brief

Meeting Date

February 11, 2025

Agenda Item

Discuss and consider action: Resolution R2025-10: L. Kimbler

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE WESTFALL VILLAGE SUBDIVISION, PHASE 3; AND APPROVING A LETTER OF CREDIT TO ENSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS

Information

Westfall Village Subdivision, Phase 3 is a 44-lot single-family home subdivision. The Final Plat was approved by City Council on February 13, 2024. At that time, the developer was approved to submit a Performance Letter of Credit assuring improvements would be completed and allowed the final plat to be recorded. The City Engineer has now confirmed the infrastructure meets all requirements of Chapter 98.

Pursuant to Chapter 98, the Developer shall warranty the infrastructure for a period of one year. The Developer proposes to ensure this warranty by submitting a Letter of Credit from First State Bank of Burnet in an amount equal to 10% of the costs of the infrastructure as certified by the Project Engineer and approved by the City Engineer.

The subdivision infrastructure improvements required have been installed, inspected, and are satisfactorily completed. All documentation for preliminary acceptance of the subdivision has been received, including record drawings, certified test results, and electronic files of the improvements.

This resolution authorizes the preliminary acceptance of the infrastructure and approves the maintenance Letter of Credit as the means to ensure the Developer's warranty shall be honored. The resolution further:

1. Requires the City Engineer to inspect the infrastructure before the end of the one-year warranty period; and
2. Authorizes the City Engineer to issue a letter of acknowledgement of final acceptance of the improvements if the final inspection finds such improvements free of defect or failure; and
3. Requires the Developer to cure any discovered defect or failure, and
4. Authorizes the City to use the Letter of Credit to cure such defect or failure should the Developer fail to do so; and

5. Extend the warranty period for any defect or failure for an additional year after the defect or failure is discovered.

Fiscal Impact

N/A

Recommendation

Staff recommends preliminary acceptance of Westfall Village Subdivision, Phase 3 and approval of Resolution R2025-10 as presented.

RESOLUTION NO. R2025-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE WESTFALL VILLAGE SUBDIVISION, PHASE 3; AND APPROVING A LETTER OF CREDIT TO ENSURE 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 Westfall Village Subdivision, Phase 3, has 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; and

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 Westfall Subdivision, Phase 3; as shown on the plat of the subdivision to be subject to public dedication.

Section Three. Maintenance guarantee accepted. The Letter of Credit for the warranty and maintenance of the public improvements required for The Westfall Subdivision, Phase 3, 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 approval of this resolution is hereby approved subject to the conditions that follow:

- (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 Letter of Credit 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 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. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED on this the 11th day of February 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary