

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2023-R

ACCEPTING IMPROVEMENTS AND APPROVING A MAINTENANCE BOND FOR CALITERRA SUBDIVISION PHASE 5 SECTION 14 WASTEWATER IMPROVEMENTS AND RELEASING CONSTRUCTION BOND

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING A MAINTENANCE BOND FOR CALITERRA SUBDIVISION PHASE 5 SECTION 14 WASTEWATER IMPROVEMENTS, AND RELEASING A CONSTRUCTION BOND, PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS, DNT Construction, LLC. (“Contractor”) recently completed, and the City Engineer for the City of Dripping Springs has inspected, Caliterra Subdivision Phase 5 Section 14 Wastewater improvements (“Improvements”) for the City of Drippings Springs; and

WHEREAS, the City desires to accept as being complete in accordance with applicable development the Improvements in Caliterra Subdivision Phase 5 Section 14; and

WHEREAS, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide Maintenance Bonds (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

WHEREAS, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

WHEREAS, substantial completion of the Work was verified by engineer letter (Attachment “B”) as of July 26, 2023 and the maintenance bond period of Two (2) Years begins upon City Council approval; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council hereby accepts Wastewater Improvements at the Caliterra Subdivision Phase 5 Section 14.
3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. PB03016800910M2 from Philadelphia Indemnity Insurance Company (“Insurer”), included and attached herein (Attachment “A”).
4. The City Council hereby releases the Contractor’s Construction Bond No. 800147966.
5. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
6. The City Council hereby authorizes the Mayor or the Mayor’s designee to execute any documentation on the City’s behalf necessary to effectuate the intent and purpose of this Resolution.
7. This Resolution shall take effect immediately upon passage.
8. 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, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 15th day of August, 2023, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

City of Dripping Springs
Bond

Caliterra Ph5 S14 Maintenance

by: _____
Mayor Bill Foulds, Jr.

ATTEST:

Andrea Cunningham, City Secretary

Attachment "A"

(Insert Maintenance Bonds No. PB03016800910M2 DNT Construction, LLC, and Philadelphia Indemnity Insurance Company)

Attachment "B"

(Engineer Concurrence Letter)