

**CITY OF DRIPPING SPRINGS**

**RESOLUTION No. 2025-R\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING MAINTENANCE BOND FOR DRIFTWOOD 967 NEXT STEP DRIVE – WATER AND WASTEWATER IMPROVEMENTS, PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

**WHEREAS**, Dale Lowden Excavating, LLC (“Contractor”) recently completed and the City Engineer for the City of Dripping Springs has inspected the revegetation, storm water, drainage, paving, wastewater (“Improvements”) for the Driftwood 967 Next Step Drive – Water and Wastewater Improvements; and

**WHEREAS**, the City desires to accept as being complete in accordance with applicable development the Improvements at Driftwood 967 Next Step Drive – Water and Wastewater Improvements; and

**WHEREAS**, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (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**, 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, TEXAS:**

- 1. Finding of Fact:** The above and foregoing recitals are hereby found to be true and correct and are incorporated as finding of fact.
- 2. Acceptance of Improvements:** The City Council hereby accepts the Improvements.

- 3. Acceptance of Maintenance Bond:** The City Council hereby approves and accepts the Contractor's proposed Maintenance Bond No. EACX4051947, from Endurance Assurance Corporation ("Insurer"), included and attached herein as Attachment "A".
- 4. Assumption of Responsibility:** 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.
- 5. Authorization to Execute Documents:** 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.
- 6. Effective Date:** The resolution shall be effective from and after its approval and passage.
- 7. Meeting:** 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 AND APPROVED this, the 5<sup>th</sup> day of August 2025, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas:**

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Diana Boone, City Secretary