

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2021-    

**ACCEPTING IMPROVEMENTS AND APPROVING MAINTENANCE BOND FOR ESPERANZA SUBDIVISION PHASE 2 IMPROVEMENTS**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING A MAINTENANCE BOND FOR ESPERANZA SUBDIVISION PHASE 2 STREETS AND DRAINAGE IMPROVEMENTS, 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, Esperanza Subdivision Phase 2 Street and Drainage 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 Esperanza Subdivision Phase 2; 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 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 the Streets and Drainage Improvements at the Esperanza Subdivision Phase 1.
3. The City Council hereby approves and accepts the Contractor's proposed Maintenance Bond No. PB03016800750M, from Philadelphia Indemnity Insurance Company ("Insurer"), included and attached herein (Attachment "A").
4. 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. 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. This Resolution shall take effect immediately upon passage.
7. 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        day of           , 2021, by a vote of \_\_\_ (*ayes*) to \_\_\_ (*nays*) to \_\_\_ (*abstentions*) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Mayor Bill Foulds Jr.

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*

**(Insert Maintenance Bond No. PB03016800750M: DNT Construction, LLC, and Philadelphia Indemnity Insurance Company)**