

RESOLUTION NO. R2021-57

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "FINAL PLAT" OF PEPPER MILL SUBDIVISION, PHASE THREE; PRELIMINARY ACCEPTANCE OF PUBLIC STREET, WATER, WASTEWATER AND ELECTRICAL IMPROVEMENTS; AND APPROVING THE MAINTENANCE BOND OF THE INFRASTRUCTURE IMPROVEMENTS

**Whereas**, the City Council of the City of Burnet (City Council), Texas, has approved a preliminary plat of Pepper Mill Subdivision; and

**Whereas**, the Planning and Zoning Commission has made its recommendation on the final plat of the Pepper Mill Subdivision, Phase Three; and

**Whereas**, the city staff and the city engineer have opined the application substantially complies with the subdivision ordinance; and

**Whereas**, the City Council has determined that public street, water, wastewater, and electrical distribution improvements (improvements) constructed within the Pepper Mill Subdivision, Phase Three have been constructed in accordance with the construction plans approved for construction of said subdivision; and

**Whereas**, Kyros Industries, LLC, the developer of the referenced improvements, has satisfied all applicable provisions of the City of Burnet, Code of Ordinances, Chapter 98 – Subdivision;

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1. Findings.** The recitals to this Resolution are incorporated herein for all purposes.

**Section 2. Approval.** The final plat of the Pepper Mill Subdivision, Phase Three, is hereby approved.

**Section 3. Preliminary Acceptance of Improvements.** The City Council hereby preliminarily accepts for public use and maintenance, the street improvements, public water system, public wastewater system, and public infrastructure constructed within the Pepper Mill Subdivision, Phase Three; as shown on the plat of the subdivision to be subject to public dedication.

**Section 4. Maintenance guarantee accepted.** The Texas Maintenance Bond issued by Lexon Insurance Company, dated August 17<sup>th</sup>, 2021, for the warranty and maintenance of the public improvements required for the Pepper Mill subdivision, Phase Three, in an amount equal to ten percent of the cost of improvements verified by the city and running for a period of two calendar years measured from the date of signing and recording of the final plat is hereby approved subject to the conditions that follows:

- (a) Should a defect or failure of any required improvement occur within the two year period of coverage, the city will require performance under the warranty bond; and
- (b) In the event of defect or failure of any required improvement within the two year period of coverage a new warranty of maintenance bond or surety instrument shall be required to be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.

**Section 5. Final Acceptance of Improvements.** Prior to the date of expiration of the Maintenance Bond, the preliminarily accepted improvements shall be inspected. Should the inspection find such improvements free of defect or failure the Director of Development Services may issue a letter of acknowledgement of final acceptance of improvements. However, should a defect or failure be discovered such defect or failure shall be addressed in accordance with section four herein.

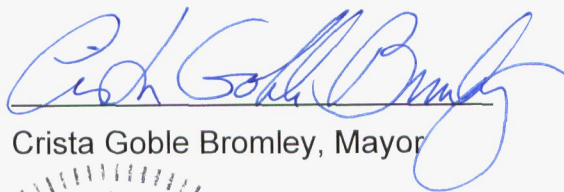
**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.


**Section 7. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

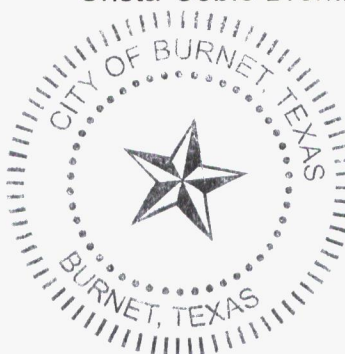
**PASSED AND APPROVED** this the 16<sup>th</sup> day of November 2021.

**CITY OF BURNET, TEXAS**

**ATTEST:**

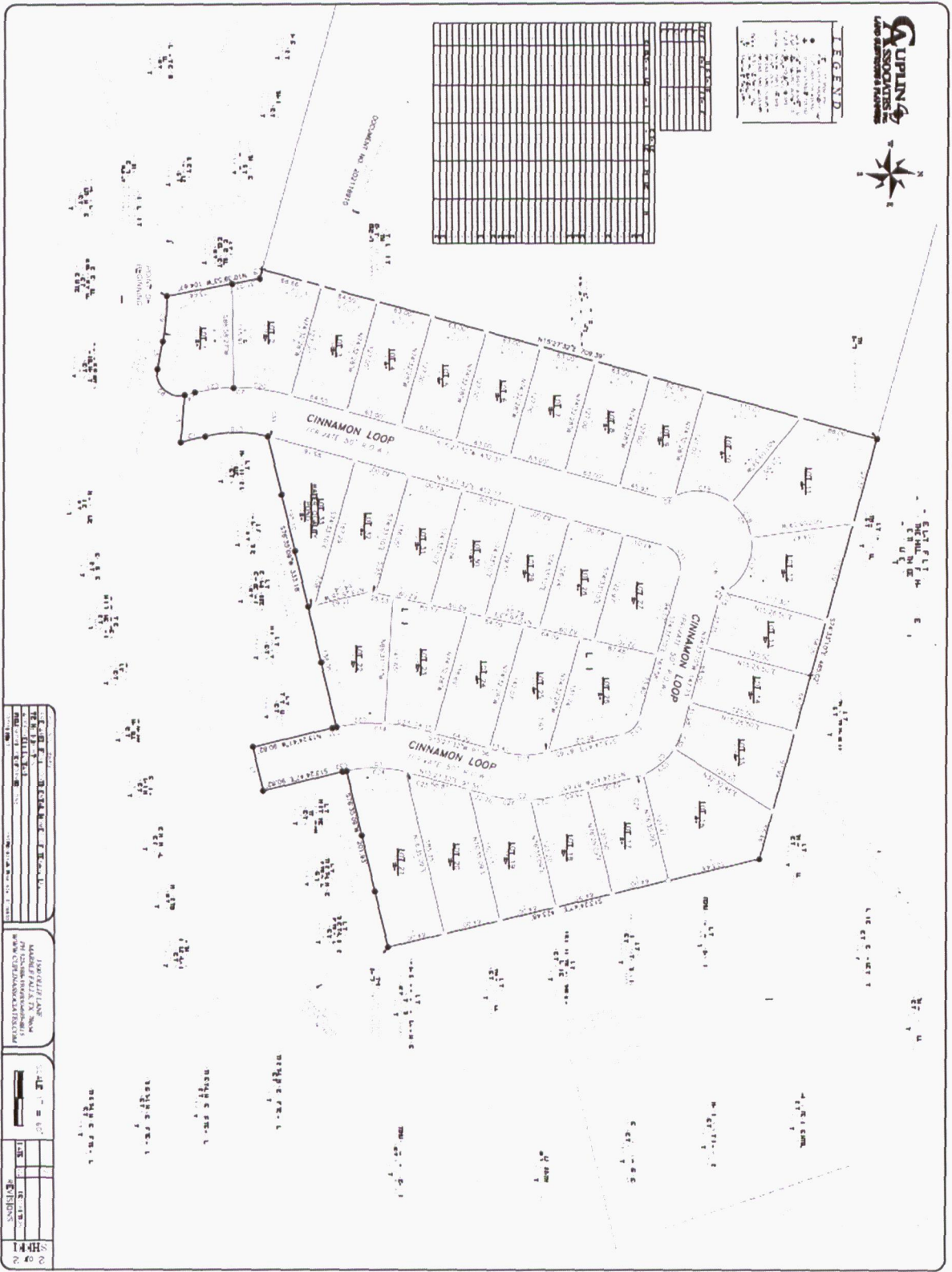
  
Crista Goble Bromley, Mayor

  
Kelly Dix, City Secretary



**Exhibit "A"**  
**Plat**





**Exhibit "B"**  
**Maintenance Bond**