

RESOLUTION NO. 2022-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE PROVISION OF A LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR THE DELAWARE SPRINGS SUBDIVISION, SECTION 19, PHASE 3 AND AUTHORIZING THE RECORDATION OF THE "FINAL PLAT" IN THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS

WHEREAS, the code of ordinances requires the construction of all public improvements required by the subdivision ordinance, prior to the recordation of a subdivision plat approved by city council and the provision of a one year warranty bond prior to the preliminary acceptance of the public improvements; and

WHEREAS, notwithstanding the forgoing the code of ordinances authorizes alternatives to completing improvements, including developer's provision of a letter or credit from a bank or other reputable institution or individual; and

WHEREAS, the subdivision plat of Delaware Springs Subdivision, Section 19, Phase 3 was approved by city council on June 14, 2022, with the condition that the plat shall not be recorded until all improvements have been accepted by the City, or until the City has been provided with a surety instrument in a form specified by Code of Ordinances, Chapter 98, Sec. 98-61 – Assurances for completion of improvements.; and

WHEREAS, the approval of the subdivision plat of Delaware Springs Subdivision, Section 19, Phase 3 is conditioned on both the subdivider completing the public improvements described in that certain engineer's opinion of probable construction costs for the Delaware Springs Subdivision, Section 19, Phase 3 dated 07/18/22 and signed by Hugo Elizondo, P.E. before the expiration of the Letter of Credit; and, the provision of a one-year warranty bond prior to City Council's preliminary acceptance of the public improvements.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section two. Irrevocable Letter of Credit accepted. The Irrevocable Letter or Credit issued by First State Bank of Burnet, dated 08/09/2022, for the guaranty of completion of the public improvements required for the Delaware Springs, Section 19, Phase 3 Subdivision, subject to the following:

- (a) the public improvements are completed and preliminary accepted before 08/09/2023; and

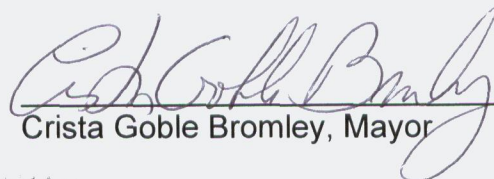
- (b) at the time of preliminary acceptance of the public improvements the subdivider provides a warranty or maintenance bond, assuring the quality of materials and workmanship, and maintenance of all public improvements; and
- (c) failure to timely complete the public improvements shall cause the city manager to draw on the letter of credit to complete the public improvements; and
- (d) the public improvements shall not be accepted until all improvements have been satisfactory completed; and
- (e) the city shall withhold all city services to the subdivision until the public improvements are satisfactory completed and accepted.

Section three. Authorization. The city manager is authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution. Further, the city manager is to draw on the letter of credit to complete the public improvements, without any further city council action necessary, should the subdivider fail to complete the public improvements within the period prescribed in this resolution.


Section four. 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 five. Effective Date. This resolution shall take effect upon approval and adoption by City Council.

APPROVED AND ADOPTED on this the 9th day of August, 2022.


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

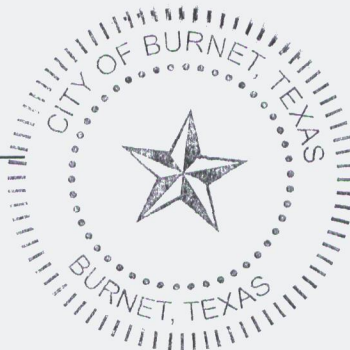


EXHIBIT A ENGINEERS ESTIMATE OF CONSTRUCTION COSTS Pg. 1

SUMMATION OF PROBABLE CONSTRUCTION COST
FOR
DELAWARE SPRINGS SECTION 19, PHASE 3, PERFORMANCE BOND FOR PLAT RECORDING
CITY OF BURNET
BURNET COUNTY, TEXAS

July 21, 2022

A. EROSION, SEDIMENTATION CONTROL					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	SILT FENCE	LF	100	4.00	400.00
2	SOFT BERM	LF	100	50.00	5000.00
3	TANKS FOR CONSTRUCTION ENTRANCE	EA	1	1000.00	1000.00
4	VEGETATION ON DISTURBED AREAS AND WATERING	LF	2,700	0.50	1350.00
SUBTOTAL E/S CONTROLS					8190.00
B. STREET AND DRAINAGE IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	Mobilization	LS	1	10,000.00	10,000.00
2	Street Excavation and Embankment	LS	1	1.00	1.00
3	MODULAR CONCRETE SUBGRADE	SA	3,075	1.50	4612.50
4	Subgrade Preparation	SA	3,075	1.50	4612.50
5	4" CURB, TYPE "A" (SDOT ITEM 247)	SA	3,075	15.00	46125.00
6	2" HDPE TYPED (ITEM 340, TYPE D)	SA	4,575	15.00	68625.00
7	SOFT GRASS	LOT	15	150.00	2250.00
8	15" WIDE REINFORCED CONCRETE BERM CURB	LF	1,500	15.00	22500.00
9	CONNECT TO EXISTING BERM, LOOP	EA	1	1,500.00	1500.00
10	NEW CUT EXISTING STREET	LF	60	10.00	600.00
11	4" WIDE REINFORCED CONCRETE SIDEWALK	LF	1,500	25.00	37500.00
12	ACCESS PAVES	EA	2	1,000.00	2000.00
13	REGULATORY WORK - STREETS	LS	1	2,000.00	2000.00
14	TRAFFIC CONTROL	LS	1	2,000.00	2000.00
SUBTOTAL STREET AND DRAINAGE IMPROVEMENTS					174,687.00
C. WATER IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
15	8" PVC WATER MAIN, OR 18" LINE, USING FITTINGS	LF	550	30.00	16500.00
16	TIE IN TO EXISTING 8" MAIN	LS	1	1,500.00	1500.00
17	1" REDUCER ASSEMBLY, INCLUDING 6" GATE VALVE	EA	1	1,500.00	1500.00
18	SHORT SIDE SINGLE SERVICE	EA	1	1,500.00	1500.00
19	SHORT SIDE DOUBLE SERVICE	EA	2	1,800.00	3600.00
20	LONG SIDE DOUBLE SERVICE	EA	4	2,200.00	8800.00
21	BASE VALVE CASTINGS	EA	2	400.00	800.00
22	TRENCH SAFETY SYSTEM	LF	565	1.25	706.25
SUBTOTAL WATER IMPROVEMENTS					41,206.25
10% PUNCH OUT					6,038.43
D. WASTEWATER IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
23	8" PVC WASTEWATER LINE (SDOT 26 (7) R DEP)	LF	560	40.00	22400.00
24	DOOR HOUSE MANHOLE ON EXISTING 8" WASTEWATER LINE	LS	1	6,000.00	6000.00
25	ASANDER EXISTING WM LINE	LS	1	1,500.00	1500.00
26	EPA/NT STABILIZED LAND ENCASMENT AT WATER SERVICE CROUCHING	EA	2	250.00	500.00
27	STANDARD MANHOLE WITH COATING	EA	4	1,000.00	4000.00
28	SHORT SIDE SINGLE SERVICE	EA	2	1,500.00	3000.00
29	SHORT SIDE DOUBLE SERVICE	EA	1	1,500.00	1500.00
30	LONG SIDE DOUBLE SERVICE	EA	1	1,400.00	1400.00
31	BASE MANHOLE CASTINGS	EA	1	2,000.00	2000.00
32	TRENCH SAFETY SYSTEM	LF	560	1.25	700.00
SUBTOTAL WASTEWATER IMPROVEMENTS					41,210.00
10% PUNCH OUT					6,021.88

**EXHIBIT A
ENGINEERS ESTIMATE OF
CONSTRUCTION COSTS
Pg. 2**

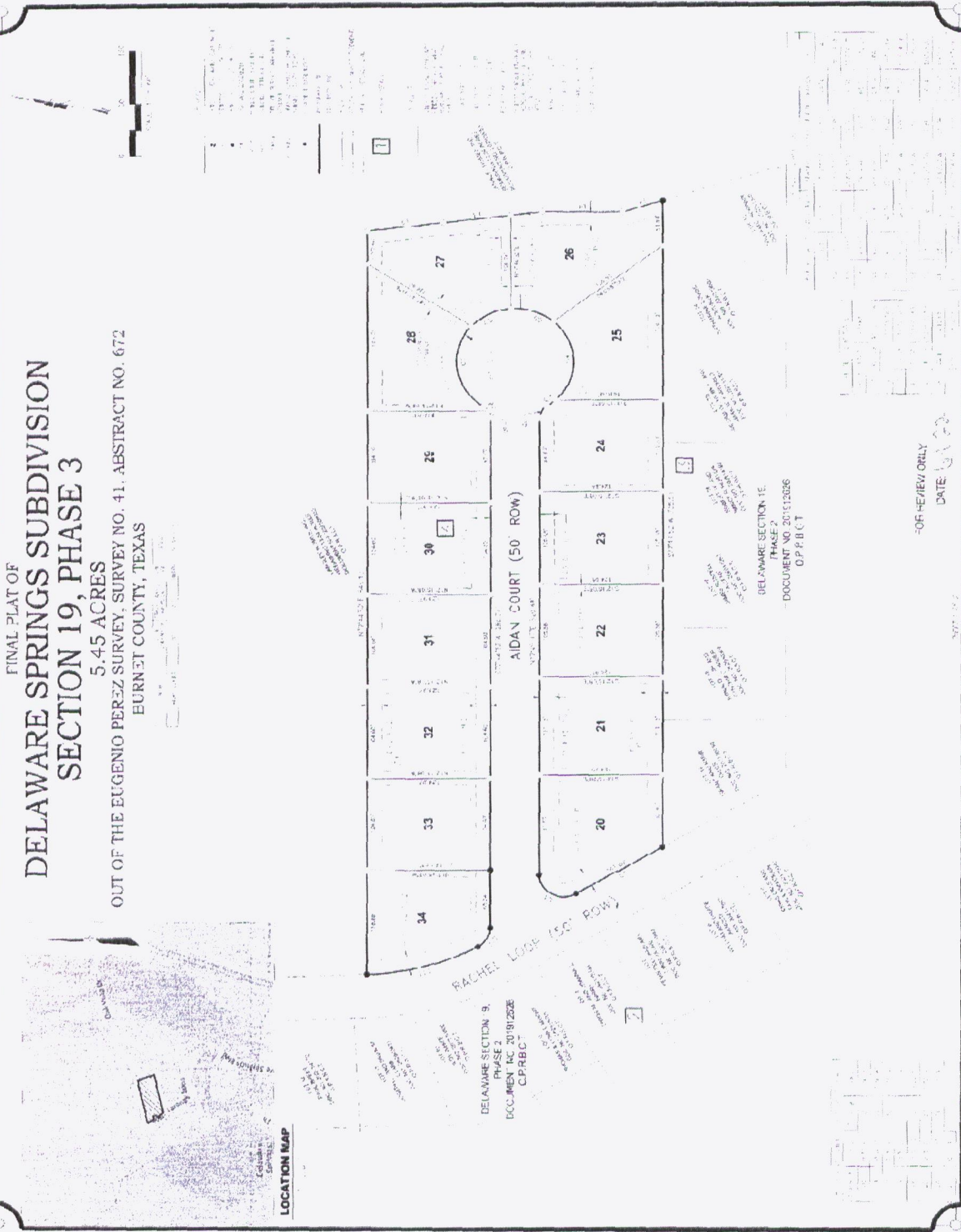
F. EXISTING POND IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
07	EXISTING DETENTION POND 2. REMOVE EXISTING POND WEIR. REGRADE POND BOTTOM TO DRAIN GRADE BETWEEN EXISTING CLEVERTS AT EXISTING COE AND POND 1. 15 FOOT HIGH DETENTION WEIR ALONG REAR OF LOTS AND REMOVE EXISTING CONCRETE OUTLET STRUCTURE, AND REVEGETATE	LS	1	25,000.00	25,000.00
SUBTOTAL EXISTING POND IMPROVEMENTS					\$ 25,000.00
F. ELECTRICAL IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
08	ELECTRICAL UNDERGROUND LIGHTING 72% COMPLETE	LOT	15	1,500.00	22,500.00
09	STREET LIGHT ASSEMBLY	EA	2	1,250.00	2,500.00
SUBTOTAL ELECTRICAL IMPROVEMENTS					\$ 25,000.00
G. SOFT COSTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
01	CONSTRUCTION SURVEYING, CLOSED IT	LS	1	4,900.00	4,900.00
SUBTOTAL ELECTRICAL IMPROVEMENTS					\$ 4,900.00
SUBTOTAL CONSTRUCTION COST					\$ 242,000.00
PERFORMANCE BOND AMOUNT, 110%					\$ 266,200.00

Clarifications:
1. THIS COST IS BASED ON WORK PROGRESS AS OF 7-18-22

Prepared By:
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Kyle, TX 78640



EXHIBIT B FINAL PLAT



FINAL PLAT OF
DELAWARE SPRINGS SUBDIVISION
SECTION 19, PHASE 3
 5.45 ACRES
 OUT OF THE EUGENIO PEREZ SURVEY, SURVEY NO. 41, ABSTRACT NO. 672
 BURNET COUNTY, TEXAS

DELAWARE SECTION 19,
 PHASE 3,
 DOCUMENT NO. 201912026
 C/P/B/C/T

DELAWARE SECTION 19,
 PHASE 3,
 DOCUMENT NO. 201912026
 OFFER

FOR REVIEW ONLY
 DATE: 11/1/2026