

RESOLUTION AMENDING REQUIREMENTS
FOR DEVELOPER ON-SITE FACILITIES

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

LAKEWAY MUNICIPAL UTILITY DISTRICT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LAKEWAY MUNICIPAL UTILITY DISTRICT THAT:

All rights-of-way and easements and on-site water distribution and wastewater collection facilities necessitated by and attributable to new development shall be dedicated and constructed by the developer, at no cost to the District, pursuant to the following procedures:

A. The developer's engineer shall do business in Travis County, and shall have experience in the design and construction of water and wastewater facilities in conditions similar to those of the project.

B. The plans and specifications shall conform to the District's standards.

C. The developer shall submit the plans and specifications to the District for review and approval.

D. The developer shall submit a deposit check for one thousand (\$1,000) with the plans and specifications. The deposit will be used to secure payment of the District's expenses to review the documents, including, but not limited to staff, engineering and legal expenses. These expenses will be billed monthly, and will be payable within 30 days from the date of the invoice. At the conclusion of the project, and after all such expenses have been fully paid, the deposit will be returned.

E. The developer shall submit a copy of the construction bid to the District prior to awarding a contract together with a deposit check for one and a half percent (1 1/2%) of the water/wastewater utility bid price to secure payment of inspection and legal fees. These expenses will be billed monthly, and will be payable within 30 days from the date of the invoice. At the conclusion of the project, and after all such expenses have been fully paid, the deposit will be returned.

F. The following must be submitted to the District before work can be authorized:

i. The developer shall obtain a performance bond from the general contractor that, except as set forth below, shall extend and remain in effect for one year after substantial completion of the project. The developer may obtain a maintenance bond, and substitute the same for the performance bond following substantial completion of the project. The maintenance bond shall be in the form approved by the District and shall remain in force and effect for a period of one year after substantial completion of the project. The performance bond shall provide that the developer may assign, without notice to the performance bond's surety, the rights under the performance bond to the District at closing. The developer shall execute at the closing a written instrument in a form approved by counsel for the District to assign its rights under the performance bond to the District.

ii. Evidence that a payment bond complying with the requirements of Section 53.202, Property Code and a memorandum of the construction contract have been filed with the Travis County Clerk, as authorized by Sec. 53.203, Property Code.

G. The contractor shall attend a preconstruction meeting with the developer, its consulting engineer, the City of Lakeway and the District prior to starting any utility work. Submittals for all materials, supplies and equipment must be submitted to the District at least seven working days prior to the meeting.

H. The work will be inspected by the District during its progress. The water lines will be tested as recommended by AWWA. Any deficiencies will be corrected by the contractor or the developer. When the wastewater lines are complete and tested they will be video inspected and video recorded by the contractor, under the direction of the District. A recording shall be provided to the District.

I. When all work is completed the following documentation must be submitted:

i. The engineer shall submit final drawings marked "Record Drawings" showing the system as it is constructed, with a current engineer's stamp and date. This will consist of one blue line drawing, one reproducible, and an electronic copy in Autocad, or alternate format, as approved by the General Manager.

ii. A conveyance document in a form satisfactory to the District's attorney, conveying ownership of installed facilities to the District and all necessary easements for same.

iii. A copy of the final pay estimate to the contractor.

iv. An executed waiver of lien by the contractor.

v. Contractor's affidavit asserting that all bills for labor and materials are paid.

J. The District will review the documentation and have the conveyance document reviewed by legal counsel. If acceptable, the District will cause the document to be recorded at the Travis County Courthouse.


K. A copy of the conveyance document will be delivered to the developer with an accounting of all expenses. After the District has verified that all invoices have been paid, a check will be sent to the developer in the amount of the deposited funds.

L. Upon completion of the foregoing the District's General Manager will provide the developer a letter accepting the facilities.

M. Any construction deficiencies encountered within a year of the District acceptance date shall be corrected by the contractor. Likewise, any damages to the system within one year after contract completion shall be corrected by the developer and must be repaired in a reasonable period of time after the District discovers the problem and notifies the developer. This will include damages caused by a builder, or a resident, that causes damage to, or covers up, any manholes, cleanouts, valve boxes or other facilities.

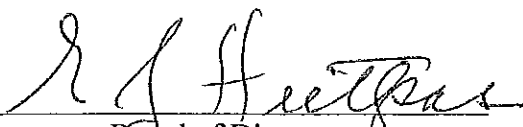
N. Failure to comply with any of the above requirements will result in the District not installing requested water meters in the development.

ADOPTED this 9th day of September 2009.

By: 

President, Board of Directors
Lakeway Municipal Utility District

ATTEST:



Secretary, Board of Directors
Lakeway Municipal Utility District