

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS
ACCEPTING BUNTON CREEK, PHASE 5 SUBDIVISION; FINDING AND
DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS
PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY
LAW.**

WHEREAS, the developer of this subdivision has completed construction of the improvements in general accordance with plans approved by the City of Kyle; and

WHEREAS, the subdivision improvements are defined as street, drainage, and wastewater systems installed within public rights-of-way and any dedicated drainage or public utility easements within the subdivision; and

WHEREAS, the contractor has also provided the City a two (2) year maintenance bond in an amount of thirty five percent (35%) of the cost of the construction for any repairs that may be necessary during a two-year period from the date of acceptance by City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS hereby accepts the public improvements and certifies completion of the improvements for Bunton Creek, Phase 5. The current maintenance surety is hereby \$166,090.33 being thirty five percent of the total cost of required improvements, to be held for two years from this date.

SECTION 1. That the subdivision improvements within the Bunton Creek Subdivision Phase 5 are hereby accepted for operation and maintenance.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the _____ day of _____, 2018.

CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

EXHIBIT A

STAFF ACCEPTANCE MEMO



CITY OF KYLE

100 W. Center St.
Office (512) 262-1010

Kyle, Texas 78640
Fax (512) 262-3915

MEMORANDUM

TO: Scott Sellers, City Manager

FROM: Leon Barba, P.E., City Engineer *LB*

DATE: June 11, 2018

SUBJECT: Bunton Creek, Phase 5
Final Acceptance

The referenced subdivision is recommended for acceptance by the City of Kyle.

A final walkthrough was completed on November 2, 2017. The punch list items have been completed on the project. The street, drainage, and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Philadelphia Indemnity Insurance Company – Bond No. PB03016800175) in the amount of \$166,090.33 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

Xc: Harper Wilder, Public Works Dept.
Perwez Moheet, Finance Dept.
Debbie Guerra, Planning and Zoning



ENGINEER'S CONCURRENCE
FOR
PROJECT ACCEPTANCE

PROJECT: Bunton Creek Phase 5
Street, Drainage, Water and Wastewater

Date: November 13, 2017

Owner's Name and Address

LGI Homes – Texas, LLC
1450 Lake Robbins Drive
The Woodlands, TX 77380

Consultant Engineer's Name and Address

Pape-Dawson Engineers, Inc.
2000 NW Loop 410
San Antonio, TX 78213

On November 2, 2017, I, the undersigned Professional Engineer in the State of Texas, or my representative, met with representatives of the City of Kyle and the Project Contractor and made a visual inspection of the above referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except those listed below. I, therefore, recommend acceptance of this project by the City of Kyle once the following listed items are corrected to the satisfaction of the City of Kyle.

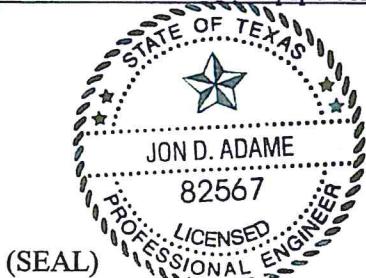
Punchlist items:

- Clean up sewer line C and D tie into manholes A-2 and A-3 with concrete "channel" draining from invert in to invert out
- Recoat sewer manholes A-1, A-2, and A-3
- Add sand to wheel chair ramp bricks (all WCR's)
- Adjust manhole ring and cover for existing junction box A-1 to 6" above existing grade
- Place remaining stock piled dirt for curb backfill and spread out the rest
- Bolt down all sewer and storm drain manholes lids
- Clean up MISC trash around site

All work above has been or will be completed by end of business November 17, 2017.

Items left for further discussion include:

- Fix water infiltration into pipe connecting junction boxes A1 and A2.




Signature

Jon Adame, P.E.

Typed Name

82567

Texas Registration No.

EXHIBIT B

MAINTENANCE BOND

Philadelphia Indemnity Insurance Company

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
877-438-7459

Bond No.PB03016800175

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC as Principal, and Philadelphia Indemnity Insurance Company, a corporation organized under the laws of the State of Pennsylvania, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Kyle as Obligee, in the penal sum of One Hundred Sixty Six Thousand Ninety and 33/100 (\$166,090.33) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has entered into a contract with LGI Homes - Texas, LLC dated May 5, 2017 for Bunton Creek Unit 5: Street, Drainage, Water & Sewer Improvements, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two year (s) from date of acceptance of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which may become apparent and with respect to which notice is delivered to Surety in writing during the period of Two year (s) from and after date of acceptance of the work under the Contract, then this obligation shall be void, otherwise to remain in full force and effect.

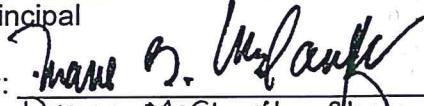
No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 8th day of June, 2018.

DNT Construction, LLC

Principal

By:


Duane McGlaulin, Chairman / CEO
Philadelphia Indemnity Insurance Company

By:


Jeremy Farque, Attorney-in-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY
 One Bala Plaza, Suite 100
 Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Tom Mulanax, Michael Whorton, David Whorton, Rachel Martinez, Pollyanna Lengel, Jeremy Farque and/or Noe Moreno of Whorton Insurance Services** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$25,000.000**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

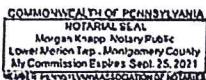
IN TESTIMONY WHEREOF, **PHILADELPHIA INDEMNITY INSURANCE COMPANY** HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO
 Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 8th day of June, 2018.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



October 30, 2017

Mr. Leon Barba
City of Kyle
100 W. Center Street
Kyle, TX 78640

Re: Bunton Creek Phase 5
Kyle Texas
2-Year City Maintenance Bond Calculations

Dear Mr. Barba:

We are writing you in reference to the Bunton Creek Phase 5 project.

As part of the final acceptance for a project, a 2-year maintenance bond must be submitted to the City. This bond is being submitted by DNT Construction, and will be a value that covers the construction of streets, drainage, sewer, street lights and any potential change orders that may have occurred throughout the duration of the project. Values are based on actual pay invoices and contracted amounts, established between the developer and the contractor.

Values are as follows:

Streets	\$365,251.05
Drainage	\$43,061.50
Sewer	\$48,940.00
Street Lights	\$10,280.00
Change orders:	
<u>CO #2</u>	<u>\$7,011.25</u>
Total:	\$474,543.80

Based on code, the City requires 35% of this value in the form of a maintenance bond.

$$35\% \times \$474,543.80 = \$166,090.33$$

Support data (DNT invoice) is attached for the bases of these calculations. I have tried to make it simple to understand by making notations in the left margins. If you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

San Antonio | Austin | Houston | Fort Worth | Dallas

Transportation | Water Resources | Land Development | Surveying | Environmental

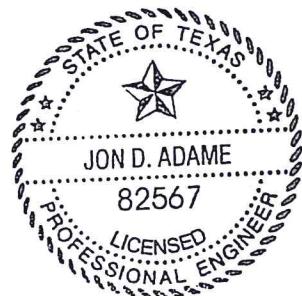
2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com

Mr. Leon Barba
Bunton Creek Phase 5
Kyle Texas
2-Year City Maintenance Bond Calculations
October 30, 2017
Page 2 of 2

Sincerely,
Pape-Dawson Engineers, Inc.



Jon Adame, P.E.
Sr. Vice President



Attachments

H:\projects\508\36\04\Word\171030 (50836-04) 2-Year City Maintenance Bond Calculations Letter (Barba).docx

APPLICATION AND CERTIFICATE FOR PAYMENT/ DNT Constructor

TO (OWNER):	PROJECT: 20-17-1889 Bunton Creek Phase 2B & 5	APPLICATION NO:	Six (6)	Distribution
LGI Homes - Texas, LLC 1450 Lake Robbins Dr., Ste. 430 The Woodlands, TX 77380		PERIOD TO:	10/1/17-10/31/17	\$ 224,080.26
CONTRACTOR:	DNT Construction	DNT CONSTRUCTION		\$ 22,409.03
P O Box 6210 Round Rock, Texas 78683	INVOICE NO.:	1809-8		\$ 201,681.22
	CONTRACT DATE:			

CHANGE ORDER SUMMARY		
Change orders approved in previous months by Owner	ADDITIONS	DEDUCTIONS
	TOTAL \$0.00	\$0.00
Approved this Month		
Number	Date Approved	
1	13-Jun-17	\$18,781.26
2	24-Aug-17	\$56,883.93
3		
4		
TOTALS	\$75,445.18	\$0.00
Net change by Change Orders	\$75,445.18	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by his Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: DNT CONSTRUCTION, LLC

By: Kristyne Baran
Kristyne Baran, Contract Administrator

Date: 10/20/17

Application is made for Payment, as shown below, in connection with the Contract.

Continuation Sheet Attached

1 ORIGINAL CONTRACT SUM	\$ 1,928,089.65
2 Net change by Change Orders	\$ 78,446.18
3 CONTRACT SUM TO DATE	\$ 2,001,644.83
4 TOTAL COMPLETED & STORED TO DATE (Column G on J703)	\$ 2,001,644.83
5 Retainage:	
a. 10 % of Crd Wk	\$ 200,164.60
Column D + E on J703)	
b. 10 % of Stored Mtl	\$.
(Column F on J703)	
Total Retainage (Line 5a + 5b or (Total In Column 1 of J703)	\$ 200,164.60
6 TOTAL EARNED LESS RETAINAGE (Line 4 less 5 Total)	\$ 1,801,380.33
7 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificates)	\$ ✓ 1,606,709.11
8 CURRENT PAYMENT DUE	\$ ✓ 201,681.22
9 BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 8)	\$ 200,164.60

State of: TEXAS
Subscribed and sworn to before me this 20 day of October
Notary Public: Yesenia Flores
My Commission expires December 01, 2020
Commissioner #12-01-2020
Notary ID: 13098934



YESENIA FLORES

Notary Public, State of Texas

Commissioner #12-01-2020

Notary ID: 13098934

AMOUNT CERTIFIED

By: J. Bell

J. Bell
Pape-Dawson

Date: 9/22/17

ENGINEER CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Increases, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

DNT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACT: Buntin Creek Phase 2B & S
CONTRACTOR: DNT CONSTRUCTION
 P O Box 6210

PROGRESS PAYMENT NO. 104/17-11/13/H#9
 PROGRESS PAYMENT PERIOD 10/1/17-11/13/17

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE
1	11700 10" Sanitary Sewer Pipe (SDR 20) (The PEI steels to be included in cost of pipe)	2	LF	\$26.00	\$12,873.00	\$12,972.00	0.00	0.00	0.00	\$32.00	\$13,973.00	0.00	0.00	0.00	0.00	\$13,973.00	0.00	0.00	0.00	0.00	\$13,973.00	0.00	0.00		
2	11700 b. (8'x10')	1	LF	\$26.00	\$1,056.00	\$1,056.00	0.00	0.00	0.00	\$32.00	\$1,164.00	0.00	0.00	0.00	0.00	\$1,164.00	0.00	0.00	0.00	0.00	\$1,164.00	0.00	0.00		
3	11700 Standard Sanitary Sewer Manholes	6	EA	\$3,278.00	\$20,708.00	\$20,708.00	0.00	0.00	0.00	\$60.00	\$60.00	0.00	0.00	0.00	0.00	\$60.00	0.00	0.00	0.00	0.00	\$60.00	0.00	0.00		
4	11700 Standard Manhole Extra Depth	177	VF	\$280.00	\$49,622.00	\$49,622.00	0.00	0.00	0.00	\$4,602.00	\$4,602.00	0.00	0.00	0.00	0.00	\$4,602.00	0.00	0.00	0.00	0.00	\$4,602.00	0.00	0.00		
5	11700 Short Double Sewer Service (with stand)	20	EA	\$1,200.00	\$24,000.00	\$24,000.00	0.00	0.00	0.00	\$1,160.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00		
6	11700 Long Double Sewer Service (with stand)	21	EA	\$1,430.00	\$30,030.00	\$30,030.00	0.00	0.00	0.00	\$1,400.00	\$1,400.00	0.00	0.00	0.00	0.00	\$1,400.00	0.00	0.00	0.00	0.00	\$1,400.00	0.00	0.00		
7	11700 Short Simple Sewer Service (with stand)	9	EA	\$800.00	\$7,200.00	\$7,200.00	0.00	0.00	0.00	\$7,160.00	\$7,160.00	0.00	0.00	0.00	0.00	\$7,160.00	0.00	0.00	0.00	0.00	\$7,160.00	0.00	0.00		
8	11700 Long Simple Sewer Service (with stand)	6	EA	\$800.00	\$5,400.00	\$5,400.00	0.00	0.00	0.00	\$5,360.00	\$5,360.00	0.00	0.00	0.00	0.00	\$5,360.00	0.00	0.00	0.00	0.00	\$5,360.00	0.00	0.00		
9	11700 Tie Into Existing Sewer Line	58	EA	\$680.00	\$37,680.00	\$37,680.00	0.00	0.00	0.00	\$1,080.00	\$1,080.00	0.00	0.00	0.00	0.00	\$1,080.00	0.00	0.00	0.00	0.00	\$1,080.00	0.00	0.00		
10	11700 Manhole Concrete Ring Easement	3	EA	\$480.00	\$1,440.00	\$1,440.00	0.00	0.00	0.00	\$1,160.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00		
11	11700 Manhole Concrete Ring Easement	1	EA	\$480.00	\$480.00	\$480.00	0.00	0.00	0.00	\$1,160.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00	0.00	0.00	\$1,160.00	0.00	0.00		
12	11700 Manhole Concrete Ring Easement	2,230	LP	\$1,00	\$2,230.00	\$2,230.00	0.00	0.00	0.00	\$1,00	\$1,00	0.00	0.00	0.00	0.00	\$1,00	0.00	0.00	0.00	0.00	\$1,00	0.00	0.00		
13	11700 Trench Excavation Protection	1	EA	\$107,448.00	\$107,448.00	\$107,448.00	0.00	0.00	0.00	\$107,448.00	\$107,448.00	0.00	0.00	0.00	0.00	\$107,448.00	0.00	0.00	0.00	0.00	\$107,448.00	0.00	0.00		

Sewer Improvements

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE
1	13500 Single Phase Electric Internal	1	SB	\$122,760.00	\$122,760.00	\$122,760.00	0.00	0.00	0.00	\$122,760.00	\$122,760.00	0.00	0.00	0.00	0.00	\$122,760.00	0.00	0.00	0.00	0.00	\$122,760.00	0.00	0.00		
2	13500 Streetlights	1	EA	\$2,400.00	\$2,400.00	\$2,400.00	0.00	0.00	0.00	\$16,426.00	\$16,426.00	0.00	0.00	0.00	0.00	\$16,426.00	0.00	0.00	0.00	0.00	\$16,426.00	0.00	0.00		

Electric Improvements

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE
1	13500 Single Phase Electric Internal	1	SB	\$122,760.00	\$122,760.00	\$122,760.00	0.00	0.00	0.00	\$122,760.00	\$122,760.00	0.00	0.00

Street Light Improvements

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE
1	13500 Streetlights	1	EA	\$2,400.00	\$2,400.00	\$2,400.00	0.00	0.00	0.00	\$16,426.00	\$16,426.00	0.00	0.00

BUNTON CREEK 5

Street Items

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE	QTY.	UNIT	UNITS PRICE	SEARCHED/VALUE	PREVIOUSLY BALANCE	BRUCE
1	10500 Mobilization	1	LS	\$51,000.00	\$51,000.00	\$51,000.00	0.00	0.00	0.00	\$44,607.50	\$44,607.50	0.00	0.00	0.00	0.00	\$44,607.50	0.00	0.00	0.00	0.00	\$44,607.50	0.00	0.00		
2	10500 Cleaning	1	AC	\$47,650.00	\$47,650.00	\$47,650.00	0.00	0.00	0.00	\$44,607.50	\$44,607.50	0.00	0.00	0.00	0.00	\$44,607.50	0.00	0.00	0.00	0.00	\$44,607.50	0.00	0.00		
3	10500 Removal of Existing Structures	1	LS	\$4,000.00	\$4,000.00	\$4,000.00	0.00	0.00	0.00	\$4,000.00	\$4,000.00	0.00	0.00	0.00	0.00	\$4,000.00	0.00	0.00	0.00	0.00	\$4,000.00	0.00	0.00		
4	10500 Enclosed (Duct, Vents)	1	CV	\$4,044.00	\$4,044.00	\$4,044.00	0.00	0.00	0.00	\$4,044.00	\$4,044.00	0.00	0.00	0.00	0.00	\$4,044.00	0.00	0.00	0.00	0.00	\$4,044.00	0.00	0.00		
5	10500 Enhancemnt (Light, etc)	2,805.00	CT	\$7,713.75	\$20,592.50	\$20,592.50	0.00	0.00	0.00	\$7,713.75	\$7,713.75	0.00	0.00	0.00	0.00	\$7,713.75	0.00	0.00	0.00	0.00	\$7,713.75	0.00	0.00		
6	12500 Flex Base (FOC)	8,680.00	CT	\$8,680.00	\$66,000.00	\$66,000.00	0.00	0.00	0.00	\$66,000.00	\$66,000.00	0.00	0.00	0.00	0.00	\$66,000.00	0.00	0.00	0.00	0.00	\$66,000.00	0.00	0.00		
7	12500 1.5" Type D Asphalt (LOC)	6,874.00	BY	\$51,665.00	\$317,645.00	\$317,645.00	0.00	0.00	0.00	\$51,665.00	\$51,665.00	0.00	0.00	0.00	0.00	\$51,665.00	0.00	0.00	0.00	0.00	\$51,665.00	0.00	0.00		
8	12500 6" Lane Treatate Subgrade (FOC)	7,450.00	BY	\$16,000.00	\$52,000.00	\$52,000.00	0.00	0.00	0.00	\$16,000.00	\$16,000.00	0.00	0.00	0.00	0.00	\$16,000.00	0.00	0.00	0.00	0.00	\$16,000.00	0.00	0.00		
9	12500 Reinforced Concrete Curb & Gutter	3,447.00	LF	\$14,000.00	\$46,280.00	\$46,280.00	0.00	0.00	0.00	\$46,280.00	\$46,280.00	0.00	0.00	0.00	0.00	\$46,280.00	0.00	0.00	0.00	0.00	\$46,280.00	0.00	0.00		
10	12500 Concrete Sidewalk	44	CT	\$2,000.00	\$89,600.00	\$89,600.00	0.00	0.00	0.00	\$89,600.00	\$89,600.00	0.00	0.00	0.00	0.00	\$89,600.00	0.00	0.00	0.00	0.00	\$89,600.00	0.00	0.00		
11	12500 AJX Ramps	36	LF	\$27,000.00	\$972,000.00	\$972,000.00	0.00	0.00	0.00	\$972,000.00	\$972,000.00	0.00	0.00	0.00	0.00	\$972,000.00	0.00	0.00	0.00	0.00	\$972,000.00	0.00	0.00		
12	12500 Hanger Curb	1	LS	\$4,000.00	\$4,000.00	\$4,000.00	0.00	0.00	0.00	\$4,000.00	\$4,000.00	0.00	0.00	0.00	0.00	\$4,000.00	0.00	0.00	0.00	0.00	\$4,000.00	0.00	0.00		
13	12500 Signage and Traffic Control	2	EA	\$12,000.00	\$24,000.00	\$24,000.00	0.00	0.00	0.00	\$24,000.00	\$24,000.00	0.00	0.00	0.00	0.00	\$24,000.00	0.00	0.00	0.00	0.00	\$24,000.00	0.00	0.00		
14	12500 Demolish Temporary Turnaround	2	EA	\$12,000.00	\$24,000.00	\$24,000.00	0.00	0.00	0.00	\$24,000.00	\$24,000.00	0.00	0.00	0.00	0.00	\$24,000.00	0.00	0.00	0.00	0.00	\$24,000.00	0.00	0.00		
15	12500 Ramon Head Cut and Bankside Paths	3	EA	\$23,760.00	\$71,280.00	\$71,280.00	0.00	0.00	0.00	\$71,280.00	\$71,280.00	0.00	0.00	0.00	0.00	\$71,280.00	0.00	0.00	0.00	0.00	\$71,280.00	0.00	0.00		
16	12500 Site Fences	1	EA	\$1,800.00	\$1,800.00	\$1,800.00	0.00	0.00	0.00	\$1,800.00	\$1,800.00	0.00	0.00	0.00	0.00	\$1,800.00	0.00	0.00	0.00	0.00	\$1,800.00	0.00	0.00		
17	12500 a. Storm 1	18	LF	\$1,745.00	\$31,310.00	\$31,310.00	0.00	0.00	0.00	\$31,310.00	\$31,310.00	0.00	0.00	0.00	0.00	\$31,310.00	0.00	0.00</td							

DNT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACT:

DNT CONSTRUCTION
P O Box 8210
Round Rock, Texas 78683PROGRESS PAYMENT NO: DNT (6)
10/1/17-10/31/17

PROGRESS PAYMENT PERIOD:

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 1000 Maintenance Bond (City of Round Rock)		1	LB	\$4,035.00	\$4,035.00	0.00	\$80.00	0.00	\$4,035.00	100%	\$0.00	100%
2 1000 Ties into Existing Junction Box		2	EA	\$306.25	\$612.50	0.00	\$80.00	0.00	\$531.50	100%	\$0.00	100%
3 12000 Tie into Existing Junction Box		3	EA	\$37.00	\$111.00	0.00	\$80.00	0.00	\$28.00	4.00	\$28.00	100%
4 12000 Concrete Column		4	EA	\$80.00	\$320.00	0.00	\$800.00	0.00	\$16.00	\$16.00	\$0.00	100%
5 12000 Flowsite FIA		5	EA	\$108.00	\$540.00	0.00	\$285.00	0.00	\$9.00	\$9.00	\$0.00	100%
6 12000 Trench Excavation Protection		6	LF	\$10.00	\$116.00	0.00	\$116.00	0.00	\$116.00	\$116.00	\$0.00	100%
7 12000 Adjacent Existing Junction Box Top		7	EA	\$278.00	\$1,946.00	0.00	\$2,900.00	0.00	\$6.00	\$6.00	\$0.00	100%
8 12000 Class A' Concrete		8	LF	\$100.00	\$700.00	0.00	\$700.00	0.00	\$700.00	\$700.00	\$0.00	100%
					\$45,001.00							

Drainage Improvements

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 12000 10' Cut Offs		8.00	EA	\$4,035.00	\$32,280.00	0.00	\$80.00	0.00	\$12,000.00	100%	\$0.00	100%
2 12000 18' RCP (Class II)		116.00	LF	\$4,035.00	\$463,500.00	0.00	\$80.00	0.00	\$32,000.00	100%	\$0.00	100%
3 12000 Tie into Existing Junction Box		4.00	EA	\$37.00	\$148.00	0.00	\$800.00	0.00	\$16.00	\$16.00	\$0.00	100%
4 12000 Concrete Column		16.00	EA	\$80.00	\$1,280.00	0.00	\$1,280.00	0.00	\$16.00	\$16.00	\$0.00	100%
5 12000 Flowsite FIA		2.70	CY	\$108.00	\$286.50	0.00	\$286.50	0.00	\$2.70	\$2.70	\$0.00	100%
6 12000 Trench Excavation Protection		116.00	LF	\$10.00	\$1,160.00	0.00	\$1,160.00	0.00	\$116.00	\$116.00	\$0.00	100%
7 12000 Adjacent Existing Junction Box Top		4.00	EA	\$278.00	\$1,112.00	0.00	\$2,900.00	0.00	\$6.00	\$6.00	\$0.00	100%
8 12000 Class A' Concrete		0.70	LF	\$100.00	\$70.00	0.00	\$700.00	0.00	\$0.70	\$0.70	\$0.00	100%
					\$45,001.00							

Water Improvements

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 11300 1" PVC Cessp. DR 14		1,317.0	LF	\$20.00	\$26,340.00	0.00	\$18,740.00	0.00	1,317.00	\$1,317.00	\$0.00	100%
2 11300 1" PVC Man. Adj w/ Valve Box		9.0	EA	\$1,400.00	\$12,600.00	0.00	\$10,000.00	0.00	9.00	\$9,000.00	\$0.00	100%
3 11300 Standard Flange and Assembly		2.0	EA	\$2,100.00	\$4,200.00	0.00	\$8,000.00	0.00	2.00	\$16,000.00	\$0.00	100%
4 11300 Cast Iron Flange		0.4	Ton	\$1,100.00	\$440.00	0.00	\$1,400.00	0.00	0.40	\$560.00	\$0.00	100%
5 11300 1" Temporary Flush Valve		1.0	EA	\$1,400.00	\$1,400.00	0.00	\$1,400.00	0.00	1.00	\$1,400.00	\$0.00	100%
6 11300 1" Ductile Iron Valve, Short (coupling with PVC sleeve)		1.0	EA	\$1,616.00	\$1,616.00	0.00	\$4,920.00	0.00	0.00	\$0.00	\$0.00	100%
7 11300 1" Duct Service Assembly, Long (coupling with PVC sleeve)		1.0	EA	\$1,616.00	\$1,616.00	0.00	\$1,616.00	0.00	0.00	\$0.00	\$0.00	100%
8 11300 3/4" Ductile Service Assembly, Long (coupling with PVC sleeve)		1.0	EA	\$1,616.00	\$1,616.00	0.00	\$1,616.00	0.00	0.00	\$0.00	\$0.00	100%
9 11300 Tie into Existing g Main		3.0	EA	\$1,610.00	\$4,830.00	0.00	\$1,610.00	0.00	3.00	\$4,830.00	\$0.00	100%
10 11300 Joint Rebar		1.0	EA	\$1,610.00	\$1,610.00	0.00	\$1,610.00	0.00	1.00	\$1,610.00	\$0.00	100%
11 11300 Hydrant Pressure Test		2.0	EA	\$1,120.00	\$2,240.00	0.00	\$2,240.00	0.00	2.00	\$4,480.00	\$0.00	100%
12 11300 Trench Excavation Protection		1,837.0	LF	\$20.00	\$36,740.00	0.00	\$19,180.00	0.00	1,837.00	\$36,740.00	\$0.00	100%
13 11300 Metal Rebar		3.0	EA	\$165.00	\$545.00	0.00	\$545.00	0.00	3.00	\$1,635.00	\$0.00	100%
14 11300 Uniformity		1,837.0	LF	\$20.00	\$36,740.00	0.00	\$32,470.00	0.00	1,837.00	\$36,740.00	\$0.00	100%
15 11300 Maintenance Bond (County Line Special Utility District 35%)		1.0	LB	\$920.00	\$920.00	0.00	\$920.00	0.00	1.00	\$1,840.00	\$0.00	100%
					\$92,343.20							

Sewer Improvements

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 11700 6" Sanitary Sewer Pipe (Dn 20) (HPE Series to be installed in coils of 30')		247.0	LF	\$27.00	\$6,641.00	247.00	\$6,641.00	0.00	\$6,641.00	100%	\$0.00	100%
2 11700 b. (C-8)		212	LF	\$27.00	\$5,588.00	212.00	\$5,588.00	0.00	\$5,588.00	100%	\$0.00	100%
3 11700 c. (B-1)		27	LF	\$2,860.00	\$76,700.00	27.00	\$76,700.00	0.00	\$76,700.00	100%	\$0.00	100%
4 11700 Standard Sanitary Sewer Manhole		2	EA	\$3,160.00	\$6,320.00	2.00	\$7,000.00	0.00	10.00	\$70,000.00	100%	100%
5 11700 Asht Macho Rcp & Cover		2	EA	\$1,200.00	\$2,400.00	2.00	\$2,400.00	0.00	10.00	\$24,000.00	100%	100%
6 11700 Short Double Sewer Service (with cleanout)		8	EA	\$1,200.00	\$9,600.00	8.00	\$9,600.00	0.00	\$9,600.00	100%	\$0.00	100%
7 11700 Long Double Sewer Service (with cleanout)		8	EA	\$1,200.00	\$9,600.00	8.00	\$9,600.00	0.00	\$9,600.00	100%	\$0.00	100%
8 11700 Long Single Sewer Service (with cleanout)		1	EA	\$900.00	\$900.00	1.00	\$900.00	0.00	\$1,440.00	100%	\$0.00	100%
9 11700 6" x 6" Wye		14	EA	\$465.00	\$6,410.00	14.00	\$6,410.00	0.00	\$6,410.00	100%	\$0.00	100%
10 11700 Tie into Existing Sewer Manhole		2	EA	\$1,360.00	\$2,720.00	2.00	\$2,720.00	0.00	\$5,440.00	100%	\$0.00	100%
11 11700 Tie into Existing Sewer Manhole		8	EA	\$660.00	\$5,280.00	8.00	\$5,280.00	0.00	\$5,280.00	100%	\$0.00	100%
12 11700 Tie into Existing Sewer Line		8	EA	\$465.00	\$3,720.00	8.00	\$3,720.00	0.00	\$4,680.00	100%	\$0.00	100%
13 11700 Trench Excavation Protection		446	LF	\$1.00	\$446,000.00	446.00	\$446,000.00	0.00	\$446,000.00	100%	\$0.00	100%
					\$446,000.00							

Electric Improvements

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 13300 Single Phase Electric (Inlet)		33	Lat	\$1,420.00	\$46,260.00	33.00	\$60,060.00	0.00	\$60,060.00	100%	\$0.00	100%

Street Light Improvements

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 13300 Street Light		4	EA	\$2,070.00	\$8,280.00	2.00	\$16,400.00	1.00	\$16,400.00	100%	\$0.00	100%

ITEM NO.	DESCRIPTION	QTY	UNIT	UNITS PRICE	SCHEDULED VALUE	PREVIOUSLY COMPLETED QTY	PRICE	WORK COMPLETED THIS PERIOD QTY	PRICE	%	BALANCE TO FINISH	% OF PROGRESS
1 13300 Street Light		1	EA	\$1,420.00	\$1,420.00	1.00	\$1,420.00	1.00	\$1,420.00	100%	\$0.00	100%

EXHIBIT C

SUBDIVISION MAP

FINAL PLAT
OF
BUNTON CREEK, PHA

A HOMESTEAD, LLC, A TRACT OF LAND, BEING OUT OF A CALLED 44.967 ACRE TRACT DESCRIBED IN CONVEYANCE TO LGI HOME TEXAS, LLC IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 4841 PAGE 810-820 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21, IN THE CITY OF KYLE, HAYS COUNTY, TEXAS.

FIELD NOTES FOR

3. along the arc of said curve to the right, having a radius of 80.0 feet, a central angle of 42°27'45", a chord bearing and distance of 71.33' to the right, an arc length of 8.0 feet, a central angle of 42°27'45", a chord bearing and distance of 71.33' to the left, an arc length of 8.0 feet, and a radius of 80.36' to the left, all with yellow cap markers.

4. N 46°34'49" W, a distance of 253.93' to a 'Y' rod at point of non tangency.

5. along the arc of said curve to the right, having a radius of 55.00 feet, a central angle of 90°50'57", a chord bearing and distance of 78.42' to the right, an arc length of 33.71' to the right, an arc length of 78.42' to the left, all with yellow cap markers.

6. N 48°34'49" W, a distance of 145.89' feet to a 'Y' iron rod with yellow cap marked "Page-Dawson" set, on the southwest line of a calked 14x14 iron tract recorded in Volume 339, Page 787 of the Official Public Records of Hays County, Texas as the north corner of lot 1, Block Q of said Burton Creek, Phase 4.

NOTE: The above description of the northeast line of said Lot 1, Block Q of said Burton Creek, Phase 4, with the southeast line of said calligraphed tract, are based the following set (0) courses and distances:

1. N 4472152 E, a distance of 48.91 feet to a 'Y' iron rod with yellow cap marked "Page-Davson" set.
 2. S 5343037 E, a distance of 48.02 feet to a 'Y' iron rod with yellow cap marked "Page-Davson" set.
 3. N 3657449 E, a distance of 87.27 feet to a 'Y' iron rod with yellow cap marked "Page-Davson" set.
 4. N 3424787 E, a distance of 61.14 feet to an iron rod with cap marked "BYTRR" buried.
 5. N 4456231 E, a distance of 170.50 feet to an iron rod with cap marked "BYTRR" buried.
 6. N 4320535 E, a distance of 236.18 feet to a 'Y' iron rod with yellow cap marked "Page-Davson" set, the west corner of
 Lot 1, Block P of Old Sutton Creek, Phase IIc.

THENCE S 5457354 E, departing the southeast line of said called 342.14 acre tract, with the southwest line of said Button Creek tract, continuing due south to a point on the west side of the line described tract and continuing 17.70 yards to the right angle corner of the same tract, then turning right and running due east along the right side of the line described tract and continuing in a straight line to the point of beginning.

City of Kyle, Hays County, Texas. Said tract being defined in accordance with a plat by Page-Davson Engineers.

GENERAL NOTES:

1. THIS PLAN IS SUBJECT TO THE DEVELOPMENT AND SETTLEMENT AGREEMENT FOR THE BUNTON CREEK SUBDIVISION EXECUTED BY THE DEVELOPER AND THE CITY OF TOLON, AUGUST 13, 2004. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THIS AGREEMENT.
 2. PER THE DEVELOPMENT AND SETTLEMENT AGREEMENT, VESTING RIGHTS OF THE PRELIMINARY PLAN APPROVAL, SUBDIVISION ORDINANCE NO. 260, AND ZONING ORDINANCE NO. 260, SHALL APPLY.
 3. ALL STREETS, DRAINAGE STRUCTURES AND PERMANENT EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO THE CITY OF TOLON.
 4. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER SUPPLY SYSTEM.
 5. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WASTEWATER DISPOSAL SYSTEM.
 6. NO PORTION OF SUBJECT TRACT IS LOCATED WITHIN THE 10-YEAR FLOODPLAIN (FEMA FLOOD INSURANCE RATE MAP NUMBER 4420204005), EFFECTIVE DATE OF SEPTEMBER 2, 2005.
 7. WATER, SEWER, LINES, SPECIAL UTILITY DISTRICT, WASTEWATER - CITY OF TOLON, ELECTRIC - PEPPERDINE ELECTRIC COOPERATIVE GAS - CENTERPOINT ENERGY - ENTEX SCHOOL - HAYS COUNTY I.S.D., TELEPHONE - TIME WARNER CABLE
 8. BENCHMARKS SET MARCH 2001, WITH A WASHER MARKED "PAPE-DWYSON" AT THE NORTHWEST CORNER OF A CURB CUT AT THE SOUTH END OF RUNNING CREEK DRIVE AS SHOWN ON THE BUNTON CREEK, PHASE II AT THE FINAL PLAT.
 9. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING SHALL BE ALLOWED TO BE PLACED OR ERECTED WITHIN DRAINAGE ELEMENT(S) EXCEPT AS APPROVED BY THE CITY OF TOLON.
 10. PROPERTY OWNER SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY ELEMENTS FOR REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
 11. SIDEWALKS SHALL BE INSTALLED ON THE BUDGISON SIDE OF TUND ESTATE DRIVE, LINN DRIVE AND VIOLET LAKE. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL CONDOMINIUM OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED WHERE THERE ARE DOUBLE FRONTAGE LOTS. SIDEWALKS ON THE STREET TO WHICH AN EASEMENT IS PROHIBITED ALSO ARE REQUIRED TO BE INSTALLED WHERE THE STREET IN THE SUBDIVISION IS CONSTRUCTED. ALL CONSTRUCTED SIDEWALKS WILL COMPLY OR EXCEED ADA STANDARDS.
 12. THIS SUBDIVISION IS LOCATED WITHIN THE PLUM CREEK WATERSHED.
 13. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS, AND RIGHT OF WAY'S TO THE PAVEMENT TO BE, THE RESPONSIBILITY OF PROPERTY OWNERS AND PROPERTY OWNERS ASSOCIATIONS.
 14. THE FRONT YARD SETBACK LINE FOR THE LOTS IN THE SUBDIVISION MAY VARY FROM FORTY-FIVE FEET (45') TO TWENTY-FOIVE FEET (25') PROVIDED THE SETBACKS ARE VARIED FROM LOT TO LOT AND THE FOOT SETBACK IS NOT CONCENTRATED IN ANY PHASE OR

**PAPE-DAWSON
ENGINEERS**

AUSTIN | SAN ANTONIO | HOUSTON | FORT WORTH | DALLAS
110801 N MOPAC EXPY, BLDG 3, STE 200 | AUSTIN, TX 78759 | 512.454.8711
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