



Agreement (RDA); and

WHEREAS, warranties are assigned per Section 12.7 of the SIPA; and

WHEREAS, work by private developers continues adjacent to the roadways currently being considered for acceptance by the City Council and said work necessarily impacts the roadway right-of-way; and

WHEREAS, Ryan has satisfied all applicable requirements of the Ordinance Permit Acceptance process as required by the SIPA and RDA for the installation of certain public improvements such that a recommendation is made to Council that the public infrastructure identified in Ordinance Permit 20200010101 accepted with the following agreed upon conditions:

CONDITIONS #1 - 4

1. The warranty requirements and commencement as provided for in Sections 12.7 and 17 of the SIPA applies to all highlighted roadways shown in Exhibit A except for Cretin Avenue between Bohland Avenue and Ford Parkway.
2. Cretin Avenue between Bohland Avenue and Ford Parkway shall be reviewed by the City and the Ryan/Project Paul team once the adjacent private development at 2170 Ford Parkway (commercial) and 800 Cretin Avenue (residential), SPR No. 20-037632, is substantially complete enough that impacts to the roadway and right-of-way are limited to the areas outside the curb & gutter and roadway.
3. The results of the review shall be a plan for correcting public infrastructure damaged by private developer contractor activities. Correction shall be by repair or replacement as determined by the City. The timing and the limits of repair and or replacement shall be memorialized in writing. Any repair and or replacement shall be completed before October 31, 2022.
4. The warranty for the public infrastructure repaired or replaced within the Cretin Avenue right-of-way between Bohland Avenue and Ford Parkway shall commence once said repair and replacement work has been approved by the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council accepts the infrastructure as so defined in the attached Exhibit A and with the afore stated agreed upon conditions.