



WHEREAS, warranties are assigned per Section 12.7 of the SIPA and maintenance are addressed in Section 9.6; 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; and

WHEREAS, the acceptance of the portions of the stormwater conveyance system provided for in Ordinance Permit **20200010403** excludes that portion of the conveyance system accepted by the City Council under Resolution 21-11 for Ordinance Permit **20200010403A**; now, therefore, be it

RESOLVED that the City Council accepts the infrastructure as so defined in the attached Exhibit A subject to the following conditions:

1. Maintenance of the system components described herein shall transfer to the City per the SIPA with the understanding that:
  - a. Current stormwater treatment systems ("BMP's") are being bypassed.
  - b. Contributing catchment areas such as Right-of-Ways are not connected to the system and as such won't be introducing flows into the system
  - c. System flows will only be experienced when private connections and contributing catchment areas are connected to the system.
  - d. Right-of-Way catchment areas and Stormwater BMPs are permitted, constructed and accepted via separate Ordinance Permits. Acceptance of same will be in 2021. Maintenance obligations will be per the SIPA. Should acceptance be delayed then maintenance obligations will be delayed.
2. As part of acceptance of roadway infrastructure at some future date, an inspection of all sewer structures shall be completed by a joint inspection team consisting of representatives of Ryan and representatives of the City. Any visible deficiencies found during said joint inspection will need to be addressed by Ryan to the satisfaction of, and at no cost to, the City. The City will be the final arbiter as to whether or not the deficiency needs to be corrected. The Engineer of Record (EOR) for the project will also be included in this walk. Any required corrections will be according to applicable Standards, Codes, and Policies.
3. Should non-sewer debris be found in the system, Ryan or the appropriate secondary developer will be held responsible for cleaning the applicable parts of the system at no cost to the City.
4. In keeping with the RDA and the SIPA, identification of where public utilities are located within the site will be coordinated between the Ryan and the City team for any areas where roadways have not been accepted by the City. This coordination will continue until the roadways have been accepted by the City at which point the Gopher State One-Call system will be accessed for site utility locates. Coordination by the Ryan/City team will include providing as-built information to secondary developers, onsite meets that include all applicable stakeholders, and onsite marking as needed.

AND BE IT FINALLY RESOLVED, that pursuant to the RDA and SIPA the warranty period and associated maintenance obligations shall begin upon City acceptance.