

RESOLUTION 09-105

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF
SPRING HILL, TN TO RENEW THE EXISTING PERFORMANCE BOND FOR
THE BRIXWORTH SUBDIVISION – PHASE ONE, SECTION ONE**

WHEREAS, a Performance Bond is currently in place for this development; and

WHEREAS, the Performance Bond has an “otherwise to remain in full force and effect” clause so it will only be terminated on request of the City of Spring Hill; and

WHEREAS, the existing bond is guaranteeing the performance of certain public improvements; and

WHEREAS, the following public improvements are required:

Water, Sewer, Storm Water Drainage and Detention Ponds, Streets and Curbs and final topping to all streets with 1 ½ inches of hot mix and asphalt; and

WHEREAS, to date, public improvements have not been accepted by the City and therefore a performance bond is required; and

WHEREAS, it is the recommendation of the Planning Commission that the existing Performance Bond be renewed for twelve (12) months, in the amount of \$200,000.00; and

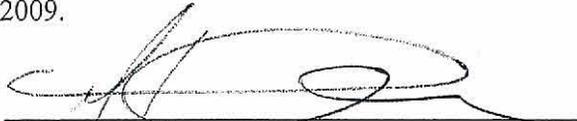
WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the twelve (12) month period from the date of this resolution and in case such improvements are not completed in a timely manner, the Performance Bond does not expire; and

WHEREAS, the developer is required under Article III, Section 3-102.201 of the Subdivision Regulations to submit an “as-built” survey of the public improvements including water, sewer and drainage; and

WHEREAS, upon completion of the public improvements listed above, the Developer will be required to file a “maintenance” bond guaranteeing performance of the public improvements for an additional one year period with the Planning Commission after the dedication and acceptance of such public improvements by the Board of Mayor and Aldermen.

NOW, THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen of the City of Spring Hill that the existing Performance Bond for Brixworth Subdivision, (Phase One, Section One) in the amount of \$200,000.00 is hereby approved.

Passed and adopted this 21st day of December, 2009.


Michael Dinwiddie, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Timothy P. Underwood, City Attorney

RESOLUTION 09-50 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE

A RESOLUTION TO RENEW THE EXISTING PERFORMANCE BOND FOR
THE BRIXWORTH SUBDIVISION – PHASE ONE, SECTION ONE

WHEREAS, a Performance Bond is currently in place for this development; and

WHEREAS, the Performance Bond has an “otherwise to remain in full force and effect” clause so it will only be terminated on request of the City of Spring Hill; and

WHEREAS, the existing bond is guaranteeing the performance of certain public improvements; and

WHEREAS, the following public improvements are required:

Water, Sewer, Storm Water Drainage and Detention Ponds, Streets and Curbs and final topping to all streets with 1 ½ inches of hot mix and asphalt; and

WHEREAS, to date, public improvements have not been accepted by the City and therefore a performance bond is required; and

WHEREAS, it is the recommendation of the Codes Department that the existing Performance Bond be renewed for twelve (12) months, in the amount of \$200,000.00; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the twelve (12) month period from the date of this resolution and in case such improvements are not completed in a timely manner, the Performance Bond does not expire; and

WHEREAS, the developer is required under Article III, Section 3-102.201 of the Subdivision Regulations to submit an “as-built” survey of the public improvements including water, sewer and drainage; and

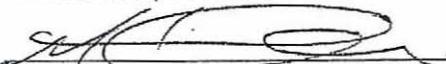
WHEREAS, upon completion of the public improvements listed above, the Developer will be required to file a “maintenance” bond guaranteeing performance of the public improvements for an additional one year period with the Planning Commission after the dedication and acceptance of such public improvements by the Board of Mayor and Aldermen.

NOW, THEREFORE BE IT RESOLVED, by the Spring Hill Planning Commission that the existing Performance Bond for Brixworth Subdivision, (Phase One, Section One) in the amount of \$200,000.00 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 14th day of December, 2009.



Michael Glass, Chairman



Michael Dinwiddie, Secretary

BOND INFORMATION SHEET

Site Name: Brixworth Subdivision, Phase 1, Section 1

Type of Bond:	Subdivision Bond	Original Bond Amount:	\$200,000	<u>Type of Action Requested:</u>
Bond #:	5005114	Current Bond Amount:		Bond Renewal <input checked="" type="checkbox"/>
Bond Issued:	15-Dec-03	25% of Original Amount:	\$50,000	Bond Reduction <input type="checkbox"/>
Expiration Date:	Does Not Expire	(Per Section 3-102.202 of Sub. Regs)		Bond Release <input type="checkbox"/>

Past Actions

Date:	Type of Action:	Amount:	Reason:

Required Installation

Streets		
Binder Installed:	Yes	
Road Base:	Stone	
Compaction Test Submitted:		No
Curb Installed:	Yes	
Final Topping installed:		No
Street Signs Installed:	Yes	
Street Lights Required:	Yes	
Side Walks Required:	Yes	

Sewer		
Sewer Line Installed:	Yes	
Sewer Line Tested:		9/19/2003
Pump Station Required:		No
"As Built" Drawings Submitted:	Yes	
Meets City Specifications:	Yes	

Storm Water Drainage System		
System Installed:	Yes	
"As Built" Drawings Submitted:		No
Meets City Specifications:	Yes	

Water		
Water Line Installed:	Yes	
Water Line Tested:		8/19/2003
"As Built" Drawings Submitted:		No
Meets City Specifications:	Yes	

BOND INFORMATION SHEET

Site Name: Brixworth Subdivision, Phase 1, Section 1

Miscellaneous Site Information

Total Number of Lots:	47	Developer:	Alan D. Adams
Current Number of Available Building Lots:	2	In Bankruptcy:	No

Amenities: Complete: Yes

1. Pool and Poolhouse with associated landscaping

2

3

Staff Comments:

1. Lots 50-52 have been combined into open space (Drainage).
2. A final walk through inspection will need to be requested and completed prior to release of the performance bond and establishment of a maintenance bond.
3. September 2, 2009 - Developer requested that the Subdivision Bond be changed to a Bank Letter of Credit.
4. As-Built Drawings are not on file
5. Street lights have been installed

Staff Recommendation:

Recommend to renew the existing bond for Brixworth Subdivision and not allow a letter of credit to be established in place of the bond

Beau Herring
Director of Codes
City of Spring Hill

Bond Safeguard INSURANCE COMPANY

Lombard, Illinois

Bond No. 5005114

Phase 1, Section 1

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we **Alan D. Adams, Inc.**, 9124 Brentmeade Blvd., Brentwood, TN 37027, as Principal, and **Bond Safeguard Insurance Company**, authorized to do business in the State of Tennessee, and having an office at 1919 S. Highland Ave., Bldg. A, Suite 300, Lombard, IL 60148, as Surety, are held and firmly bound unto the **City of Spring Hill, TN**, located at 199 Town Center Parkway, Spring Hill, TN 37174, as Obligee, in the penal sum of **Two Hundred Thousand and 00/100 Dollars (\$200,000.00)** for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents;

WHEREAS, the above bounden principal has been granted approval by the above named Obligee for **Brixworth Subdivision, Buckner Rd., Spring Hill, Tennessee.**

NOW, THEREFORE, the condition of the above obligation is such, that if the said Principal shall complete the above improvements in accordance with the plans and specifications prepared by Architect/Engineer, within the **Two (2)** year period from the date hereof; and shall indemnify and save harmless the City from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay the Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise to remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder:

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety at its office at Lombard, IL.
2. Legal proceedings for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Principal.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and the Surety.

SIGNED, SEALED AND DATED: **December 15, 2003**

POWER OF ATTORNEY AO 10974

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: James T. Smith, John B. Manus, Linda Gibson, Tammy Masterson, Brook T. Smith, Kathy Hobbs, Raymond M. Hundley, Jason D. Cromwell, James H. Martin

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

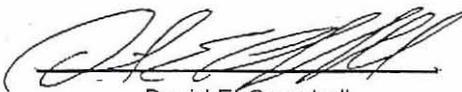
Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$500,000.00, Five Hundred Thousand Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 7th day of November, 2001.



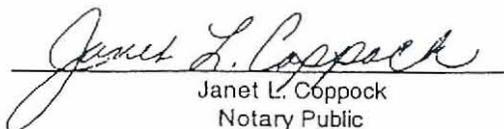
BOND SAFEGUARD INSURANCE COMPANY

BY 
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.




Janet L. Coppock
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 15th Day of December, 20 03




Donald D. Buchanan
Secretary



SCALE: 1" = 30'

DATE: 11/15/07

PROJECT: PHASE ONE

SECTION ONE

BRITWORTH

REVISION TO LOTS 50, 51, AND 52

P49/73

PLANNING COMMISSION

CITY OF SPRING HILL

PLANNING COMMISSION

NOTES:
 1. THIS MAP IS A REVISION TO THE ORIGINAL MAP SUBMITTED TO THE PLANNING COMMISSION ON 11/15/07.
 2. THE ORIGINAL MAP IS FILED IN THE PLANNING COMMISSION OFFICE.
 3. ALL CHANGES TO THE ORIGINAL MAP ARE INDICATED BY A RED LINE.
 4. THE PLANNING COMMISSION HAS REVIEWED THIS MAP AND HAS APPROVED IT FOR RECORDATION.
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APPROVED FOR RECORDATION

DATE: 11/15/07

PLANNING COMMISSION

CITY OF SPRING HILL

PLANNING COMMISSION

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CERTIFICATE OF APPROVAL OF THE PLANNING COMMISSION

CITY OF SPRING HILL

PLANNING COMMISSION

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CERTIFICATE OF SURVEY ACCURACY

DATE: 11/15/07

PLANNING COMMISSION

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CERTIFICATE OF APPROVAL OF THE PUBLIC RECORD SYSTEM

DATE: 11/15/07

PLANNING COMMISSION

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PLANNING COMMISSION

CERTIFICATE OF ENGINEER AND MECHANIC

DATE: 11/15/07

PLANNING COMMISSION

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CERTIFICATE OF APPROVAL OF THE WATER SYSTEM

DATE: 11/15/07

PLANNING COMMISSION

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CERTIFICATE OF APPROVAL OF THE PUBLIC RECORD SYSTEM

DATE: 11/15/07

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9/2/2009

To: Spring Hill Codes Department

Fr: Alan Adams – Representing developers of Brixworth Subdivision
615-300-5051

Re: This letter will serve to formally request a change from performance bonds on Brixworth Section 1 Phase 1 and Brixworth Section 1 Phase 2, to bank letters of credit on the same.

From Bading Co. to bank Ltr of Credit