

RESOLUTION 11-46

**A RESOLUTION TO RENEW A LETTER OF CREDIT FOR
BENEVENTO EAST SUBDIVISION, SECTION 1**

WHEREAS, a Letter of Credit is currently in place for this development; and

WHEREAS, the surety is guaranteeing the construction of certain improvements; and

WHEREAS, the following improvements are required pursuant to the Final Plat:

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

WHEREAS, to date, the improvements have not been constructed and/or accepted by the City and therefore a surety is required; and

WHEREAS, it is the recommendation of the Planning Commission that a Letter of Credit be renewed for twelve (12) months, in the amount of \$98,879.00; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the time prescribed for the letter of credit and it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the Letter of Credit in case such improvements are not completed in a timely manner; 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 renewal of a Letter of Credit for Benevento East Subdivision, Section 1 in the amount of \$98,879.00 is approved.

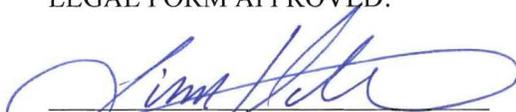
Passed and adopted this 16th day of May, 2011.


Michael Dinwiddie, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Timothy P. Underwood, City Attorney

**RESOLUTION 11-14 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO RENEW A LETTER OF CREDIT FOR
BENEVENTO EAST SUBDIVISION – SECTION 1**

WHEREAS, a Letter of Credit is currently in place for this development; and

WHEREAS, the surety is guaranteeing the construction of certain improvements; and

WHEREAS, the following improvements are required pursuant to the Final Plat:

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

WHEREAS, to date, the improvements have not been constructed and/or accepted by the City and therefore a surety is required; and

WHEREAS, it is the recommendation of the Codes Department that a Letter of Credit be renewed for twelve (12) months, in the amount of \$98,879.00; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the time prescribed for the letter of credit and it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the Letter of Credit in case such improvements are not completed in a timely manner; 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 renewal of a Letter of Credit for Benevento East Subdivision, Section 1 in the amount of \$98,879.00 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 9th day of May, 2011.

Michael Glass, Chairman

Michael Dinwiddie, Secretary

SURETY INFORMATION SHEET

Site Name: Benevento East, Section 1

Type of Surety: Letter of Credit	Original Surety Amount: \$98,879.00	<u>Type of Action Requested:</u>	
Surety # 69001727	Current Surety Amount: \$98,879.00	Establish Surety	<input type="checkbox"/>
Surety (s) Issued: June 10, 2010	25% of Original Amount: \$24,720	Surety Renewal	<input checked="" type="checkbox"/>
Expiration Date: June 10, 2011	(Per Section 3-102.202 of Sub. Regs)	Surety Reduction	<input type="checkbox"/>
		Surety Release	<input type="checkbox"/>

Past Actions

Date:	Type of Action:	Amount:	Reason:
7/19/2010	Establish	\$98,879	Establish surety for subdivision final plat

Required Installation

Streets		
Binder Installed:	Yes	
Road Base:	Stone	
Compaction Test Submitted:	N/A	**
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:	7/11/2007
Pump Station Required:	No
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

Storm Water Drainage System	
System Installed:	Yes
"As Built" Drawings Submitted:	N/A
Meets City Specifications:	Yes

Water	
Water Line Installed:	Yes
Water Line Tested:	9/4/2007
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

** If stone base is installed, compaction testing is not required

SURETY INFORMATION SHEET

Site Name: Benevento East, Section 1

Miscellaneous Site Information			
Total Number of Lots:	43	Developer:	Community First Bank and Trust
Current Number of Available Building Lots:	8	In Bankruptcy:	No
Amenities:	N/A	Complete:	N/A
1			
2			
3			

Staff Comments:

1. 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.
- 2
- 3
- 4

Staff Recommendation:

Recommend to renew performance surety for one year and require an automatic renewal clause be included in the letter of credit language.

Chris Brooks
Building Official
City of Spring Hill



COMMUNITY FIRST BANK & TRUST

Expect more from your bank.

501 S. James M. Campbell Blvd.
Columbia, TN 38401

Date: June 10, 2010
Letter of Credit No: 69001727
Expiration: June 10, 2011

Town of Spring Hill
199 Town Center Parkway
Spring Hill, TN 37174

Re: Irrevocable Standby Letter of Credit for **Community First Bank & Trust**
Benevento East Section I

We hereby establish an Irrevocable Letter of Credit for the account of Community First Bank & Trust, developer of Benevento East Section I, a residential subdivision in Spring Hill, TN. , in the amount of **Ninety Eight Thousand Eight Hundred and Seventy Nine Dollars and no/100----- (\$98,879.00)** available by draft at sight for payment in full for Completion and Maintenance of Streets, Drainage, and Sewer installed in Benevento East Section I Subdivision as required by the Town of Spring Hill.

In the event of the failure of the Developer to complete the installation of streets and drainage and sewer as required by the Town of Spring Hill prior to the expiration date of this instrument the Town of Spring Hill shall notify the Bank in writing. Upon such notification, the Bank shall either renew the Letter of Credit for a term acceptable to the Town of Spring Hill or pay the amount set forth above to the Town of Spring Hill. In case of default, Community First Bank & Trust hereby irrevocably agrees to pay the sum of Ninety Eight Thousand Eight Hundred and Seventy Nine Dollars and no/100-- (\$98,879.00) for the improvements to be completed on behalf of the Town of Spring Hill in conjunction with this Project. The Town of Spring Hill agrees to refund to Community First Bank & Trust any amounts not expended by the Town of Spring Hill to complete the unfinished requirements of the said Project.

It is understood and agreed that this in no way limits the liability of the developer for any costs in addition to Ninety Eight Thousand Eight Hundred and Seven Nine Dollars and no/100 (\$98,879.00)

This agreement automatically terminates on June 10, 2011.

Sincerely,

Carl B. Campbell
CCO/SVP

Except as otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

CHECKLIST

Information for Planning Commission Packets

Deadline: 4-11-11

Development: Benevento East sec. 7

- | | | |
|---------------------------------|-------------------------------------|-----------------------------------|
| Draft Resolution | <input checked="" type="checkbox"/> | 11-14 |
| Bond Information Sheet | <input checked="" type="checkbox"/> | draft |
| Copy of Bond | <input checked="" type="checkbox"/> | |
| Copy of Recorded Plat or Aerial | <input checked="" type="checkbox"/> | |
| Developer Request for Reduction | <input type="checkbox"/> | NA |
| Cost Estimate for Reduction | <input type="checkbox"/> | NA |
| Correspondence | <input type="checkbox"/> | |
| Initial Letter | <input checked="" type="checkbox"/> | Verbal discussion
w/ Sean Hart |
| Bond Recon Complete | <input type="checkbox"/> | NA |
| Bond Application Form | <input type="checkbox"/> | None |
| Inspection Log (for new bonds) | <input type="checkbox"/> | NA |
| Copies of Packet Completed | <input checked="" type="checkbox"/> | 12 |