

RESOLUTION 11-129

**A RESOLUTION TO ESTABLISH A PERFORMANCE BOND FOR
WADES GROVE AMENITY SITE**

WHEREAS, a Performance Bond is required to be established for this development prior to recording of a Final Plat; and

WHEREAS, the Performance Bond is guaranteeing the construction of certain improvements; and

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

Final topping to all streets with 1 ½ inches of hot mix asphalt; and

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

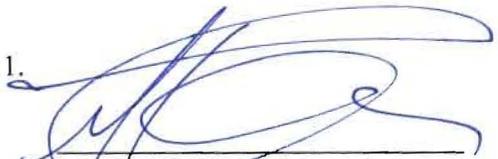
WHEREAS, it is the recommendation of the Planning Commission that a Performance Bond be established for twelve (12) months, in the amount of \$4831.20; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the time prescribed for the bond and it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the bond 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 Board of Mayor and Aldermen that the establishment of a Letter of Credit for Wades Grove Amenity Site, in the amount of \$4831.20 is hereby approved

Passed and adopted this 19th day of December, 2011.



Michael Dinwiddie, Mayor

ATTEST:



April Gead, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood
City Attorney

**RESOLUTION 11-35 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO ESTABLISH A PERFORMANCE BOND FOR
WADES GROVE AMENITY SITE**

WHEREAS, a Performance Bond is required to be established for this development prior to recording of a Final Plat; and

WHEREAS, the Performance Bond is guaranteeing the construction of certain improvements; and

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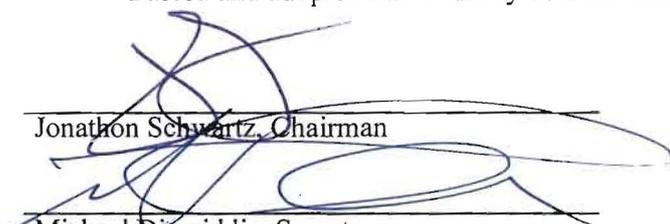
WHEREAS, it is the recommendation of the Codes Department that a Performance Bond be established for twelve (12) months, in the amount of \$4831.20; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within the time prescribed for the bond and it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the bond 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 establishment of a Letter of Credit for Wades Grove Amenity Site, in the amount of \$4831.20 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 12th day of December, 2011.



Jonathon Schwartz, Chairman



Michael Dinwiddie, Secretary

CHECKLIST

Information for Planning Commission Packets

Deadline: Nov. 14, 2011

Development: Wades Grove Amenity Area

Draft Resolution

11-34, 11-35, 11-36

Bond Information Sheet

Copy of Bond

Copy of Recorded Plat or Aerial

NA ✓

Developer Request for Reduction

NA

Cost Estimate for Reduction

NA

Correspondence

Developer's bank has requested 2 separate bonds.

Initial Letter

Bond Recon Complete

NA

Bond Application Form

- letter from Developer

Inspection Log (for new bonds)

NA

Copies of Packet Completed



Arthur J. Gallagher Risk Management Services, Inc.

November 17, 2011

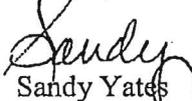
City of Spring Hill
Attn: Chris Brooks, Director of Codes

RE: John Maher Builders
Wades Grove Amenity Area

Please be advised we have received authorization from NGM Insurance Company to issue a Maintenance Bond in the amount of \$2982.50 and a Performance Bond in the amount of \$4831.20.

We will need the return of previously issued bond #S641692 in the amount of \$5,000.

Thank you.


Sandy Yates
Account Manager

5500 Maryland Way, Suite 330
Brentwood, TN 37027
Main 615.661.7500
Toll Free 888.661.7501
Fax 615.377.5101

SITE IMPROVEMENT / SUBDIVISION BOND

KNOW ALL MEN BY THESE PRESENTS, THAT, John Maher Builders, Inc.,

as Principal, and NGM Insurance Company, as Surety, are held and firmly bound unto the

City of Spring Hill, as Obligee, in the full and just sum of Five Thousand Dollars and no/100 (\$5,000.00) for the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is the owner of a certain tract of land in Wades Grove, more particularly described as follows: Wades Grove Amenity Site

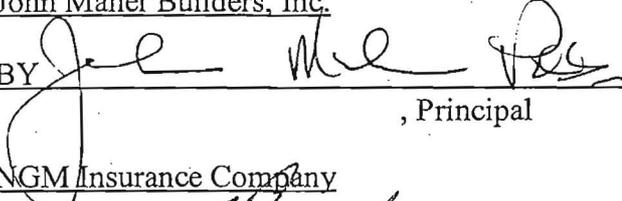
WHEREAS, The Principal has entered into an agreement with the Obligee, wherein the Principal agrees to construct the following: Wades Crossings Pool, 180 feet of road frontage in said tract.

NOW, THEREFORE, the condition of this obligation is such that, if the Principal shall faithfully perform the terms of said agreement on its part shall fully indemnify and save harmless the Obligee from all cost and damage which the Obligee may suffer by reason of failure so to do and shall fully reimburse and repay the Obligee all outlay and expense which the Obligee may incur in making good and such default, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this

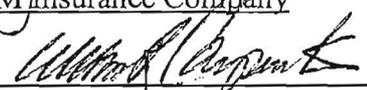
1st day of August, 2011.

John Maher Builders, Inc.

BY 

, Principal

NGM Insurance Company

BY 

William R. Carpenter, Attorney-in-Fact



KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them. "

does hereby make, constitute and appoint **Allen D Eubank, Sandra Yates, William R Carpenter, Christie L Reeves** -----

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

- 1. No one bond to exceed Five Million Dollars (\$5,000,000.00).

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Senior Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 1st day of August, 2009.

NGM INSURANCE COMPANY By:

Susan E Mack
Susan E Mack
Senior Vice President, General
Counsel and Secretary

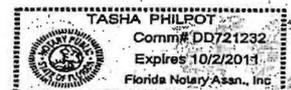


State of Florida,
County of Duval

On this August 1, 2009 before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Susan E Mack of the NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 1st day of August, 2009.

Tasha Philrot



I, Brian J. Beggs, Vice President of the NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this 1st day of August, 2011.

Brian J Beggs

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.

TO CONFIRM VALIDITY of the attached bond please call 1-800-225-5646 TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431

Attn: Bond Claims.

WADES GROVE AMENITY BOND SUMMARY

RCA 11/01/11

IN THE PROCESS OF SECURING A BOND FOR THE WADES GROVE AMENITY SITE, A DISCREPANCY AROSE WITH OUR BONDING COMPANY. CHRIS BROOKS, CODES DIRECTOR, REQUESTED THE CONSTRUCTION COST BREAKDOWN FOR THE ROAD CONSTRUCTION OF 180' OF WADES CROSSING WHICH ADJOINS THE AMENITY SITE AT ITS ENTRANCE. THIS SECTION OF WADES CROSSING WAS COMPLETED IN OCTOBER, 2007. CHRIS ESTABLISHED A BOND AMOUNT OF \$5000 WHICH IS ROUGHLY 25% OF THE CONSTRUCTION COST. ON AUGUST 15, 2011, THE CITY PASSED RESOLUTION 11-74 ESTABLISHING THE BOND AMOUNT AT \$5000. THE BOND COMPANY REQUIRED A CITY OFFICIAL DETERMINE THE TYPE OF BOND. CHRIS BROOKS ISSUED A LETTER ON JULY 29, 2011 STATING THE BOND WOULD HAVE TO BE A PERFORMANCE BOND. THIS PERFORMANCE BOND WAS ISSUED FOLLOWING THE RESOLUTION PASSAGE. WHEN THE BOND WAS ISSUED,

WE DISCOVERED THAT THE BOND COMPANY ESTABLISHED THE PREMIUM ON THE ENTIRE CONSTRUCTION COST \$16,392.05 RATHER THAN \$5000 THAT THE CITY REQUIRED. THIS RESULTED IN A SIGNIFICANT PREMIUM INCREASE. AFTER CONSULTING WITH THE BOND COMPANY IT WAS DETERMINED THAT THE BOND WAS CLASSIFIED INCORRECTLY BECAUSE THE ROAD HAS BEEN CONSTRUCTED. THE ONLY WORK REMAINING IS THE FINAL TOPPING IN THE AMOUNT OF \$4392, TO BE TECHNICALLY CORRECT THERE SHOULD BE TWO BONDS. A MAINTENANCE BOND FOR 25% OF THE COMPLETED CONSTRUCTION ($\$11,930 \times .25 = \2982.5 MAIN. BOND) AND A PERFORMANCE BOND FOR 100% OF THE FINAL TOPPING NOT COMPLETE IN THE AMOUNT 4392.00. THE TOTAL AMOUNT BONDED WOULD INCREASE TO \$7374.50.

<u>Subdivision</u>	<u>Section</u>	<i>CURRENT</i> <u>Type</u>	<u>Bond #</u>	<u>Amount</u>		<u>Start Date & Type of Bond Required</u>	<u>Reduced Date & Type of Bond Required</u>	<u>Expires:</u>
Lades Grove	3A & 3B	performance bond	S641544Y	\$ 53,000.00	1 yr	8/22/2007 (maintenance)	10/19/2009 (performance)	9/12/2012
Lades Grove	3A & 3B	performance bond	S641683	\$ 51,822.89	1 yr	7/17/2006 (maintenance)	10/19/2009 (performance)	10/19/2012
Lades Grove	5A	performance bond	S641685	\$ 61,058.78	2 yr	1/21/2008 (maintenance)	12/21/2009 (performance)	12/20/2011
Lades Grove	Amenity	performance bond	S641692	\$ 5,000.00	1 yr	8/1/2011 (performance)	N/A	8/12/2012
Williams Park	1	performance bond	S641684	\$ 62,222.76	1 yr	12/4/2006 (maintenance)	10/19/2009 (performance)	10/19/2012
Williams Park	2A	maintenance bond	S641680	\$ 64,141.40	1 yr	9/10/2008 (maintenance)	N/A	9/10/2012
Williams Park	3A	maintenance bond	S641678	\$ 65,600.00	2 yr	8/12/2008 (maintenance)	N/A	8/12/2012



July 29, 2011

To Whom It May Concern:

This is in regards to the Performance Bond for Wades Crossings Pool, 180 feet of road frontage. The Performance Bond will need to be set at \$5000.00 to be auto renewable each year until a City of Spring Hill Official releases the Performance Bond. I have attached an application with this letter that you will need to fill out and return. I have received the estimate for 180 feet of road replacement for \$16392.05, the Performance Bond will be set at 25% of this amount rounded up to \$5000.00 . If there are any questions please call.

Chris Brooks

Chris Brooks
Director of Codes
931-486-2252 Ext.214



199 TownCenter Parkway
P.O. Box 789
Spring Hill Tn. 37174

Phone 931-486-2252 Ext.214
Fax 931-486-3596
www.Springhilltn.org



Wades Grove Amenity Area

We will need a Performance Bond and Maintenance Bond, I would like for the two Bonds to be tied together under the same Bond number if possible. Information below

Work Completed (Maintenance Bond)

Base Stone	\$5072.00
Binder	\$5053.03
Extruded Curbs	<u>\$1805.00</u>
Total:	\$11930.03 @ 25%
Total:	\$2985.50 Maintenance Bond

Work to Complete (Performance Bond)

Final Topping	\$4392.00 @ 100% Plus 10% (Sub-Regs 2-103.5)
Total:	\$4831.12 Performance Bond

Maintenance Bond set at: \$3947.35
Performance Bond set at: \$4831.12

Chris Brooks

Chris Brooks
Director of Codes
931-486-2252 Ext.214
cbrooks@springhilltn.org



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SITE PERFORMANCE LLC

Add: P.O. box 682827
Franklin, Tn 37068
P.H # 615-207-5598

Attn: Randy
Job: Wades Crossing Road construction cost
Adjoining amenity center site
From: Wayne Raymond
Date: 7-24-11
Description of work: Grading/Paving

Grading: Rough Grading 211 CY @ 5.00 -----	\$ 1,055.00
Fine Grading Rd 5,320 Sf @ .17 -----	\$ 904.40
Back fill curbs 380 lf @ 5.00 -----	\$ 1,900.00

Total Grading \$ 3,859.40

Paving: 8 inch base stone: 634sy @ 8.00 -----	\$ 5,072.00
Binder 2" : 591 Sy @ 8.55 -----	\$ 5,053.05
Extruded curbs 380 Lf @ 4.75 -----	\$ 1,805.00
Surface 1.5": 549 Sy 8.00 -----	\$ 4,392.00

Total Paving \$ 16,322.05

WORK COMPLETE

WORK NOT COMPLETE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I (we are) the owner (s) of the property shown and described herein as evidenced in Book 41222 of the County Register's Office, and that I (we) hereby certify this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offer of irrevocable dedication for all public ways, utilities, and other facilities have been filed.

Date: 7-25-11
 County: Williamson
 Surveyor: Joe McEl Pas

CERTIFICATE OF SURVEY ACCURACY

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon, that this is a class "B" Land Survey as defined in the City of Spring Hill Subdivision Regulations, and that the accuracy of the survey is greater than or equal to 1:10,000.

Date: 07/21/2011
 Registered Land Surveyor: David Stanford

NOTES:

1. The Homeowners' Association of Waides Grove Subdivision shall be responsible for the Maintenance of Open Space and Amenities of the Waides Grove Subdivision AMENDOR LOT 411 as shown on this plat.

2. **NOTE:** This parcel is not included within areas designated as flood hazard areas on the latest National Flood Insurance Program maps available to me as of this date.

3. The purpose of this plat is to create 1 new building lot for use as a

CERTIFICATE OF APPROVAL OF WATER & SEWER SYSTEM

I hereby certify that the Water and Sewer system outlined or indicated on the preliminary plat subdivision plat entitled Waides Grove Subdivision Section Five has been installed in accordance with current local and state government requirements, or a sufficient bond or other security has been filed to guarantee said installation.

Date: 7-26-11
 Title Agency: John Walker
 Authorized Approving Agent: John Walker

CERTIFICATE OF APPROVAL OF PUBLIC WAYS OR BOND POSTING

I hereby certify that all designated public ways on this final subdivision plat have been detailed in an acceptable manner and according to the specifications of the City of Spring Hill Subdivision Regulations, or (2) that a performance bond of sufficient surety has been posted with the planning commission to guarantee completion of all required improvements in case of default.

Date: 8-10-2011
 Title Agency: Chris Brooks
 Authorized Approving Agent: Chris Brooks

SECRET

1. The Homeowners' Association of Waides Grove Subdivision shall be responsible for the Maintenance of Open Space and Amenities of the Waides Grove Subdivision AMENDOR LOT 411 as shown on this plat.

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3. The purpose of this plat is to create 1 new building lot for use as a

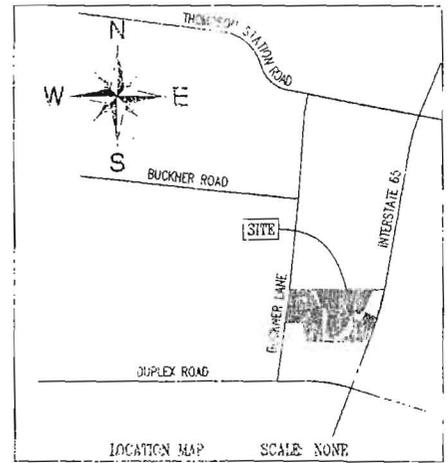
CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the City of Spring Hill Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

Date: 8-11-11
 Secretary of Planning Commission: [Signature]

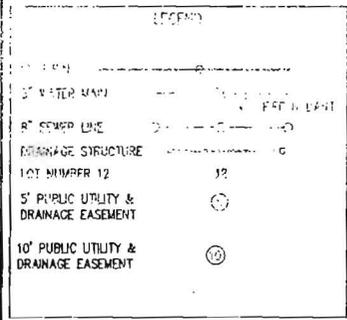
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD BEARING	CHORD
C1	91°01'25"	25.00'	39.72'	25.45'	N44°16'53"E	35.67'
C2	90°00'00"	25.00'	39.27'	25.00'	N46°13'49"W	35.36'
C3	11°52'20"	1008.67'	198.15'	99.39'	S84°34'44"E	197.83'
C4	8°33'41"	1038.67'	155.20'	77.74'	N85°55'34"W	155.06'

LINE	BEARING	DISTANCE
L1	N22°15'49"E	61.93'
L2	S02°04'58"E	60.03'
L3	S89°47'36"W	4.22'
L4	S89°47'36"W	49.56'
L5	N89°47'36"E	55.75'



BUILDING SETBACK REQUIREMENTS

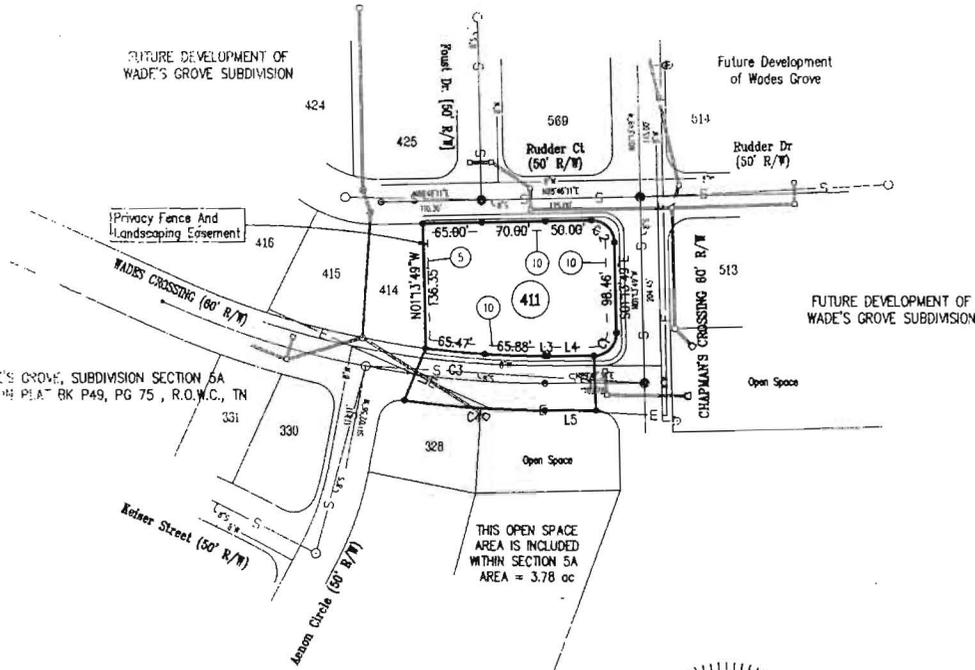
Minimum Lot Size = 7,000 sq ft
 Minimum Side Setback (Adjacent Lots) = 5 feet
 Minimum Spacing Between Structures = 15 feet
 Minimum Setback From Street R/W = 20 feet
 Minimum Rear Yard = 30 feet



CERTIFICATE OF APPROVAL OF SUBDIVISION NAMES AND STREET NAMES.

SUBDIVISION AND STREET NAMES APPROVED BY THE WILLIAMSON COUNTY EMERGENCY COMMUNICATION.

Jessie Lewis 8-12-11
 WILLIAMSON COUNTY DATE
 EMERGENCY COMMUNICATION.



P54/89

08/12/2011 - 11:19:15 PM
 11026839
 1 POS. AL. PLAT
 BATCH: 223734
 PLAT BOOK: P54
 PAGE: 89
 REC FEE 15.30
 DP FEE 2.00
 TOTAL 17.00
 STATE OF TENNESSEE, WILLIAMSON COUNTY
 SADDIE WADE
 G690

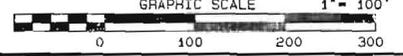
PRELIMINARY RECORDING: R-2 (PUD)

CITY OF SPRING HILL GENERAL PLANNING COMMISSION
 CITY OF SPRING HILL, WILLIAMSON COUNTY
 PLAT FOR AMENDOR LOT 411

THE CROSSING AT WAIDES GROVE

TOTAL ACRES = 0.965 NEW BUILDING LOTS = 1
 MILES NEW ROADS = 0.037 ACRES NEW PAVES = 0.772

DATE: 07/21/2011 SCALE: 1" = 100' CLOSURE: 1/10,000
 PROPERTY MAP 166, PARCEL 21; DEED BK R-1513, PG 681



07/21/2011