

**RESOLUTION 13-23**

**A RESOLUTION TO ESTABLISH A MAINTENANCE BOND FOR  
RESERVE BOULEVARD (WEST) AND KEDRON ROAD TURN LANE AND WAIVE THE 50 MILE  
RADIUS FOR THE LENDING INSTUTION**

**WHEREAS**, the following improvements have been constructed pursuant to the Final Plat:

*Water, Storm Water Drainage, Streets and Curbs, Sidewalks and Final Topping to all streets with 1 ½ inches of hot mix asphalt; and*

**WHEREAS**, pursuant to Article III, Section 3-103 of the Subdivision Regulations, upon completion of the public improvements listed above, the Developer will be required to file a "maintenance" bond guaranteeing operation 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.

**WHEREAS**, due to weather conditions during construction and placing of the final topping, one additional year will be added to the standard one-year maintenance bond requirement; and

**WHEREAS**, the developer is required under Article III, Section 3-101.2 Surety Instrument of the Subdivision Regulations - Such performance bond shall be drawn from a bank, lending institution, or other financial establishment within the State of Tennessee with an agent, of said lender, within a fifty (50) mile radius of the City of Spring Hill; and

**WHEREAS**, Centennial Medical Center request waiver of the fifty (50) mile radius requirement for the lending institution.

**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 storm drainage; and

**WHEREAS**, it is the recommendation of the Spring Hill Municipal Planning Commission that a Maintenance bond be put in place for twenty four (24) months, to the amount of \$592,590.00; and

**NOW, THEREFORE BE IT RESOLVED**, by the City of Spring Hill, Board of Mayor and Aldermen that a two-year Maintenance Bond be established in the amount of \$592,590.00 for Reserve Boulevard (West), is hereby approved.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the City of Spring Hill Board of Mayor and Aldermen, that the 50 mile radius for the lending institution is hereby waived.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 22<sup>nd</sup> day of April, 2013.**

\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

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April Goad, City Recorder

LEGAL FORM APPROVED:

\_\_\_\_\_  
Timothy P. Underwood, City Attorney

**RESOLUTION 13-06 OF THE  
PLANNING COMMISSION  
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO ESTABLISH A MAINTENANCE BOND FOR  
RESERVE BOULEVARD (WEST) AND KEDRON ROAD TURN LANE AND WAIVE  
THE 50 MILE RADIUS FOR THE LENDING INSTUTION**

**WHEREAS**, the following improvements have been constructed pursuant to the Final Plat:  
*Water, Storm Water Drainage, Streets and Curbs, Sidewalks and Final Topping to  
all streets with 1 ½ inches of hot mix asphalt; and*

**WHEREAS**, pursuant to Article III, Section 3-103 of the Subdivision Regulations, upon completion of the public improvements listed above, the Developer will be required to file a “maintenance” bond guaranteeing operation 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.

**WHEREAS**, in addition to the one year maintenance bond required, one additional year will be added due to weather conditions during construction and placing of the final topping, the TWO year Maintenance Bond is required to cover any failure in Reserve Boulevard, Kedron Road turn lane and final topping on Kedron Road; and

**WHEREAS**, the developer is required under Article III, Section 3-101.2 Surety Instrument of the Subdivision Regulations - Such performance bond shall be drawn from a bank, lending institution, or other financial establishment within the State of Tennessee with an agent, of said lender, within a fifty (50) mile radius of the City of Spring Hill; and

**WHEREAS**, Centennial Medical Center request waiver of the 50 mile radius requirement for the lending institution.

**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 storm drainage; and

**WHEREAS**, it is the recommendation of the Codes Department that a Maintenance bond be put in place for twenty four (24) months, to the amount of \$592,590.00; and

**NOW, THEREFORE BE IT RESOLVED**, by the Spring Hill Planning Commission that a two year Maintenance Bond be established in the amount of \$592,590.00 for Reserve Boulevard (West), recommended to the Board of Mayor and Aldermen.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Spring Hill Planning Commission that the 50 mile radius for the lending institution is waived, recommended to the Board of Mayor and Aldermen.

Passed and adopted this 11th day of March, 2013.

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Jonathon Schwartz, Chairman

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Michael Dinwiddie, Secretary



City of Spring Hill  
199 Town Center Parkway  
P.O. Box 789  
Spring Hill, TN 37174  
Phone: 931.486.2252 ext. 214  
Fax: 931.486.3596



For additional information, send inquiries to:  
Chris Brooks (cbrooks@springhilltn.org)

**APPLICATION FOR SURETY**

PROJECT NAME: Centennial Medical Park at Spring Hill PHASE: SECTION:  
# OF LOTS APPROVED: # OF LOTS REMAINING:  
SURETY TYPE:  MAINTENANCE  PERFORMANCE  RESTORATION  
POSTED WITH:  LETTER OF CREDIT  PERFORMANCE BOND  CASH  Insurance Bond  
SURETY AMOUNT: \$ 592,590.00 EXPIRATION DATE: continuous until released  
AUTOMATIC RENEWAL CLAUSE INCLUDED WITH SURETY: Y/N  
PURPOSE OF SURETY: Maintenance

Surety Company	
NAME OF SURETY COMPANY: Fidelity and Deposit Company of Maryland	SURETY #: 09103519
CONTACT PERSON: Christy McCart	EMAIL: cmccart@lockton.com
ADDRESS: 444 W. 47th Street, Suite 900	CITY, STATE, ZIP: Kansas City, MO 64112
PHONE NUMBER: 816-960-9000	FAX NUMBER: 816-783-9011

NAME OF OWNER/DEVELOPER OR REPRESENTATIVE:	
ADDRESS:	CITY, STATE, ZIP:
PHONE NUMBER:	FAX NUMBER:
EMAIL:	

**ACTION REQUEST**

I (WE) REQUEST THAT THE FOLLOWING ACTION BE TAKEN:

- ESTABLISH NEW SURETY
- REQUEST FINAL INSPECTION AND RELEASE OF SURETY
- REQUEST REDUCTION OF SURETY AMOUNT
- REQUEST EXTENSION OF SURETY FOR (1) YEAR  
(PLEASE PROVIDE PROOF OF DIFFICULTY BELOW)

EXPLANATION FOR PROOF OF DIFFICULTY:

  
Applicant Signature / Date 2/4/13  
COO

MAINTENANCE BOND

Bond No. 09103519

KNOW ALL MEN BY THESE PRESENTS, that we, Centennial Medical Center, hereinafter called the Principal, and Fidelity and Deposit Company of Maryland a Maryland Corporation, hereinafter called the Surety, are firmly bound unto the City of Spring Hill, Tennessee hereinafter called the Obligee, in the full and just sum of Five Hundred Ninety Two Thousand, Five Hundred Ninety and No/100 (\$592,590.00), Dollars lawful money of the United States of America the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

Sealed with our seals and dated this 2nd day of February 2013

WHEREAS, THE ABOVE bounden Principal entered into a contract with City of Spring Hill, Tennessee for: Centennial Medical Park at Spring Hill

NOW THEREFORE, the condition of this obligation is such that if the above bounden Principal shall remedy without cost to the said City of Spring Hill, Tennessee any defects which may develop during a period of Two (2) year(s) from the date of completion and acceptance of the work performed under said contract provided such defects are caused by defective or inferior materials or workmanship, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have duly executed this bond under seal the day and year above written.

Centennial Medical Center  
(Principal)

By: [Signature] (Seal)  
2/4/13

Fidelity and Deposit Company of Maryland  
(Surety)

By: [Signature] (Seal)  
Christy M. McCart, Attorney-in-Fact

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Debra J. SCARBOROUGH, Claudia MANDATO, Christy M. MCCART, Mary T. FLANIGAN, Kathleen M. COEN, Kathy L. FAGAN, Nancy A. CLOVER, Laura M. MURREN, Charissa D. LECUYER and Rebecca S. GROSS**, all of Kansas City, Missouri, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of May, A.D. 2012.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND



By: *Eric D. Barnes*  
Assistant Secretary  
Eric D. Barnes

*Thomas O. McClellan*  
Vice President  
Thomas O. McClellan

State of Maryland  
City of Baltimore

On this 1st day of May, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and ERIC D. BARNES, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Constance A. Dunn*  
Constance A. Dunn, Notary Public  
My Commission Expires: July 14, 2015

