

**RESOLUTION 16-41**

**A RESOLUTION TO EXTEND THE MAINTENANCE BOND PERIOD  
FOR CHERRY GROVE ADDITION PHASE 4 SECTION 4**

**WHEREAS**, a Maintenance Bond, established May 11, 2015 for a period of twelve (12), is in place guaranteeing the workmanship and materials of certain improvements for Cherry Grove Addition Phase 4 Section 4 and the repair of such, should damage occur during the covered period; and

**WHEREAS**, the following improvements were required pursuant to the Final Plat:  
*Sewer Lines, Water Lines, Storm Water Drainage, Sidewalks, Street Lights, Street Signs, Curbs and Streets with 1 ½ final topping; and*

**WHEREAS**, to date, the improvements have been completed with no lots remaining and the Road Rights-of-Way and Public Improvements have been accepted by the City on July 20, 2015; and

**WHEREAS**, the developer backfilled with soil over all the utility lines which requires a one (1) year maintenance period plus an additional two (2) years, as stated in the City Subdivision Regulations; and

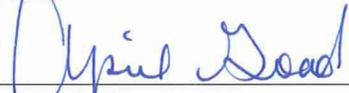
**WHEREAS**, it is the recommendation that the Maintenance Bond in the amount of \$4,950.00 be extended until May 11, 2018, at which time the bond will be reviewed again for release.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Mayor and Aldermen approve to extend the maintenance bond period for Cherry Grove Addition Phase 4 Section 4.

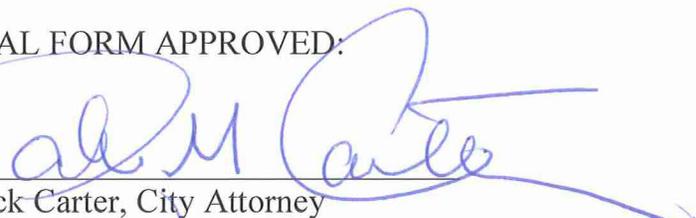
**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, this 18<sup>th</sup> day of April, 2016.**

  
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Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

**SUBJECT:** Bond Review – Cherry Grove Addition Phase 4 Section 4 (Bond Amount \$4,950)

**DATE:** March 3, 2016

**ATTENTION:** Board of Mayor and Aldermen

**STAFF:** Dan Allen, Infrastructure Director



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## **STAFF MEMORANDUM**

The purpose of this memo is to provide information regarding a bond review for Cherry Grove Addition Phase 4 Section 4 for which the builder has requested the bond be released.

### **Background:**

The builder, Donnie Cameron, backfills with soil over all the utility lines to subgrade which requires an additional two years plus the original one year required on a maintenance bond (three years total for soil backfill), per the City's subdivision regulations. Certificate of Satisfaction for sewer, water and stormwater was signed by a City utility inspector on 2/11/15. There is no Certificate of Satisfaction for sidewalks, street lights, street signs and pavement in the file. PC Resolution 15-01 was signed on 5/11/15 to reduce the performance bond to a maintenance bond. BOMA Resolution 15-70 was signed on 7/20/15 to accept the roads right-of-way and public improvements.

The question under consideration is whether or not the BOMA would like for staff to release the maintenance bonds prior to the expiration of the additional maintenance time required due to use of soil backfill over utilities in the road that has already been accepted.

As an alternative, staff could continue to hold the maintenance bonds until the expiration of the additional time for soil backfill, which would be May 11, 2018.

### **Supplemental Information from the Subdivision Regulations:**

Per the City's Subdivision Regulations passed by the Planning Commission and effective April 8, 2013:

#### **4.3 Maintenance of Improvements**

The applicant shall be required to maintain all completed public improvements until they are formally accepted for maintenance by the City of Spring Hill.

A maintenance bond, secured by a Letter of Credit, certified check, cash account, or insurance bond from an approved financial institution as set forth herein, to guarantee the roads, sidewalks,

shoulders, signage, ditches and/or drainage system, utilities, and required amenities shall be required of each applicant for a minimum period twelve (12) months.

**The maintenance period will begin only after all public improvements and required amenities have been properly constructed by the developer and accepted by the City. The maintenance bond shall be 30% of the actual construction cost of all public improvements and required amenities. At 80% build out (80% of houses within the development or particular phase to be bonded have received their certificate of occupancy) unless otherwise approved by the Planning Commission the applicant shall install the final asphalt layer.**

If the developer chooses to install the final asphalt layer/topping prior to 80% build out then he will be required to post the maintenance bond at the time of final asphalt layer installation. The maintenance bond shall be continuous until a minimum of one (1) year after the 80% build out has been complete. The release of the Maintenance Bond shall be contingent upon the completion of the above and, in the case of road construction and/or improvements, acceptance of the dedication by the Spring Hill Board of Mayor and Aldermen.

Additionally from the City's Subdivision Regulations passed by the Planning Commission and effective April 8, 2013:

**10. TESTING AND INSPECTION OF BACKFILL AT UTILITY AND STORM SEWER TRENCHES**

Backfill materials utilized for utilities located within the roadways, drives, paved areas, concrete areas and parking lots shall be TDOT #67 stone for utility beddings and envelopes in accordance with these regulations and the City of Spring Hill's Water and Sewer Specifications. Backfill material of such trenches shall be full trench depth of TDOT #67 stone with the upper most 12-inches being pug mill mix (two 6-inch lifts) compacted to 98% density. The upper 12-inches of compacted pug mill can be included within the requirements of the compacted roadway base stone. Should the developer choose to backfill with approved compacted suitable soils, free of organic root materials, grass, or other foreign materials, he shall install the soil in maximum compacted lifts of 8-inches with the upper most 12-inches being compacted pug mill mix (two 6-inch lifts). Should the City of Spring Hill determine the materials being utilized are unsuitable then the developer shall have a certified geotechnical engineer and testing laboratory perform an evaluation of the soils to determine if the soils are an approved roadway subgrade and trench fill material along with compaction testing of the soils during each lift of the trench backfill. These compaction tests shall be a minimum of 98% density. **The developer shall be required to post a maintenance bond for an additional two years, in addition to the standard one year maintenance bond if soil backfill is utilized in place of full depth stone backfill.** In either case the utilities shall contain a 6-inch bedding and 12-inch envelope over and around the pipe prior to backfill with soils materials. **Test data shall be provided by a licensed Geotechnical Engineer prior to approval of such roadway subgrade and base, and prior to installation of the asphalt binder layer.**