

**RESOLUTION 09-107**

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF  
SPRING HILL, TN TO RELEASE THE EXISTING MAINTENANCE BOND  
AND ESTABLISH A PERFORMANCE BOND FOR  
WADES GROVE SUBDIVISION – SECTION 5A**

**WHEREAS**, an existing bond is currently in place for this development and is referred to as a “maintenance” bond; and

**WHEREAS**, the developer has requested a reduction of the original bond amount of \$139,046.71 to \$74,891.68 and provided documentation for such reduction; 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, Asphalt Walking Trail, 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 Maintenance Bond be released and a Performance Bond be established for the reduced amount of \$74,891.68; and

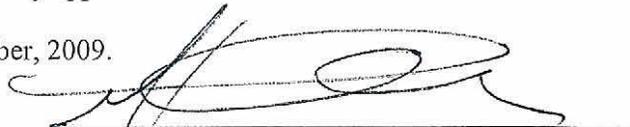
**WHEREAS**, it is anticipated that the date of completion for the above referenced public improvements will be within the time prescribed for the bond and it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the bond in case such improvements are not completed in a timely manner; and

**WHEREAS**, 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.

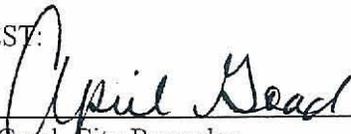
**NOW, THEREFORE BE IT RESOLVED**, by the Board of Mayor and Aldermen of the City of Spring Hill that the existing Maintenance Bond for Wades Grove Subdivision, Section 5A be released and a Performance Bond established in the amount of \$74,891.68 is hereby approved.

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



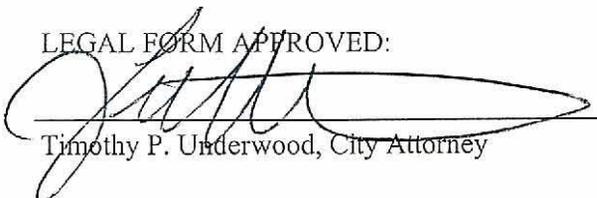
Michael Dinwiddie, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

RESOLUTION 09-52 OF THE  
PLANNING COMMISSION  
OF THE CITY OF SPRING HILL, TENNESSEE

A RESOLUTION TO RELEASE THE EXISTING MAINTENANCE BOND  
AND ESTABLISH A PERFORMANCE BOND FOR  
WADES GROVE SUBDIVISION – SECTION 5A

WHEREAS, an existing bond is currently in place for this development and is referred to as a “maintenance” bond; and

WHEREAS, the developer has requested a reduction of the original bond amount of \$139,046.71 to \$74,891.68 and provided documentation for such reduction; 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, Asphalt Walking Trail, 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 Maintenance Bond be released and a Performance Bond be established for the reduced amount of \$74,891.68; 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, 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 Maintenance Bond for Wades Grove Subdivision, Section 5A be released and a Performance Bond established in the amount of \$74,891.68 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 14<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
Michael Glass, Chairman

  
\_\_\_\_\_  
Michael Dinwiddie, Secretary

## Bond Information Sheet

**Site Name:** Wades Grove Subdivision (Section 5A)

|                  |                  |                                      |              |  |
|------------------|------------------|--------------------------------------|--------------|--|
| Type of Bond:    | Maintenance Bond | Original Bond Amount:                | \$139,046.71 | <u>Type of Action Requested:</u>                   |
| Bond #:          | S641676          | Current Bond Amount:                 | \$74,891.68  | Bond Renewal <input type="checkbox"/>              |
| Bond Issued:     | 21-Jan-08        | 25% of Original Amount:              | \$34,761.68  | Bond Reduction <input checked="" type="checkbox"/> |
| Expiration Date: | 21-Jan-10        | (Per Section 3-102.202 of Sub. Regs) |              | Bond Release <input type="checkbox"/>              |

**Past Actions**

| Date: | Type of Action: | Amount: | Reason: |
|-------|-----------------|---------|---------|
|       |                 |         |         |
|       |                 |         |         |
|       |                 |         |         |

**Required Installation**

|                            |                |
|----------------------------|----------------|
| <b>Streets</b>             |                |
| Binder Installed:          | Yes            |
| Road Base:                 | Stone          |
| Compaction Test Submitted: | No; stone base |
| Curb Installed:            | Yes            |
| Street Signs Installed:    | No             |
| Final Topping installed:   | No             |
| Street Lights Required:    | Yes            |
| Side Walks Required:       | Yes            |

|                                |           |
|--------------------------------|-----------|
| <b>Sewer</b>                   |           |
| Sewer Line Installed:          | Yes       |
| Sewer Line Tested:             | 9/14/2007 |
| Pump Station Required:         | No        |
| "As Built" Drawings Submitted: | Yes       |
| Meets City Specifications:     | Yes       |

|                                    |     |
|------------------------------------|-----|
| <b>Storm Water Drainage System</b> |     |
| System Installed:                  | Yes |
| "As Built" Drawings Submitted:     | No  |
| Meets City Specifications:         | Yes |

|                                |           |
|--------------------------------|-----------|
| <b>Water</b>                   |           |
| Water Line Installed:          | Yes       |
| Water Line Tested:             | 9/12/2007 |
| "As Built" Drawings Submitted: | No        |
| Meets City Specifications:     | Yes       |

# Bond Information Sheet

Site Name: Wades Grove Subdivision (Section 5A)

| Miscellaneous Site Information             |           |                |                     |
|--|-----------|----------------|---------------------|
| Total Number of Lots:                      | 26        | Developer:     | John Maher Builders |
| Current Number of Available Building Lots: | 26        | In Bankruptcy: | No                  |
| Amenities:                                 | Complete: | NO             |                     |
| 1. Asphalt Walking Trail                   |           |                |                     |
| 2  |           |                |                     |
| 3  |           |                |                     |

### Staff Comments:

1. This is listed as "Maintenance" but should be "performance"
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. No construction activity at this time
4. Asphalt walking trail will be required for this section as shown on the final plat
5. No record drawings submitted for water or storm

### Staff Recommendation:

Release the existing Maintenance Bond and establish a reduced Performance Bond

Beau Herring  
Director of Codes  
City of Spring Hill



**THE MAIN STREET AMERICA GROUP**

NGM Insurance Company • Old Dominion Insurance Company  
Main Street America Assurance Company • MSA Insurance Company  
Information Systems and Services Corporation

**MAINTENANCE BOND**

BOND NO. S641676

KNOW ALL MEN BY THESE PRESENTS:

That, JOHN MAHER BUILDERS, INC., P.O. BOX 681727 of FRANKLIN, TN 37068, as Principal and NGM Insurance Company, a corporation organized under the laws of the State of Florida and authorized to do business in the TENNESSEE as Surety, are held and firmly bound unto CITY OF SPRING HILL PLANNING COMMISSION, P.O. BOX 789, SPRING HILL, TN 37174 as Obligee, in the penal sum of \*ONE HUNDRED THIRTY NINE THOUSAND FORTY SIX AND 71/100\*\* Dollars, ~~(\$\*139,046.71\*)~~ lawful money of the United States of America, to be paid to the Obligee for which payments, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal and Obligee entered into a written contract for the WADES GROVE SUBDIVISION - SECTION 5A ROADWAYS all in accordance with plans and specifications drawn.

WHEREAS, said contract provides that the Principal will furnish a bond to guarantee, for the period of TWO YEARS (2) year(s) against all defects in workmanship and materials which may become apparent during such period.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which becomes apparent during the period of TWO (2) year(s) from and after JANUARY 21, 2008, then this obligation shall become null and void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 21ST day of JANUARY, 2008.

JOHN MAHER BUILDERS, INC.

By: Joe M. Pres.

NGM Insurance Company

By: William R. Carpenter

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 Yvonne Sears**

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 Corporate Secretary and its corporate seal to be hereto affixed this 1st day of March, 2006

NGM INSURANCE COMPANY By:

William C. McKenna  
Corporate Secretary



State of Florida,  
County of Duval:

On this March 1, 2006 before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came William C. McKenna 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 his 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 March, 2006.

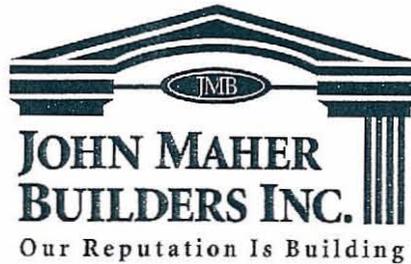


**P. A. Harrell**  
Commission # DD464125  
Expires August 21, 2009  
Bonded Troy Fan - Insurance, Inc. 800-365-7010

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 21st day of January, 2008





November 18, 2009

Mr. Beau Herring  
 Codes Director  
 City of Spring Hill  
 199 Town Center Parkway  
 Spring Hill, TN 37179

Re: Section 5A Wades Grove – Requested Release of Maintenance Bond and Establishment of Reduced Performance Bond

Dear Beau,

John Maher Builders, Inc. requests a release of the existing maintenance bond for Section 5A in the Wades Grove Subdivision. The current maintenance bond (#S641676) in the amount of \$139,046.71 expires January 21, 2010. A new performance bond will be established for the reduced amount of \$74,891.68 to cover storm drainage, sewer, water, curbing, binder pavement and final topping to all streets calculated as follows:

|                  | Original Maintenance Bond |      | Requested Reduced Performance Bond |
|------------------|---------------------------|------|------------------------------------|
| Storm drainage   | \$ 25,045.00              | 25%  | \$ 6,261.25                        |
| Sewer            | \$ 33,550.50              | 25%  | \$ 8,387.63                        |
| Water            | \$ 18,953.16              | 25%  | \$ 4,738.29                        |
| Paving and curbs | \$ 26,435.25              | 25%  | \$ 6,608.81                        |
| Tack & surface   | \$ 35,062.80              | 100% | \$ 35,062.80                       |
| Walking trail    |                           | 100% | \$ 13,832.90                       |
| Total bond       | \$ 139,046.71             |      | \$ 74,891.68                       |

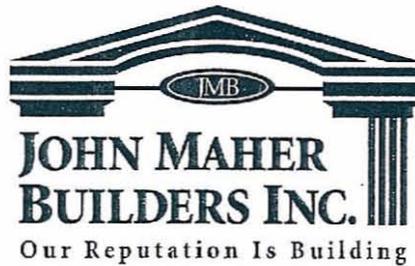
All infrastructure is 100% complete, except for the final topping, and was approved by the City of Spring Hill in November of 2007. The new performance bond will be irrevocable and automatically renew annually until released by the City of Spring Hill. If you have any questions, please call me at (931) 489-1981, ext. 27.

Sincerely,

Randy Aydelotte  
 Development Manager

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P. O. Box 681727, Franklin, TN 37068-1727  
 1109 Old Kedron Road, Spring Hill, TN 37174  
 931.489.1981 Fax: 931.489.1985  
 www.johnmaherbuilders.com



November 2, 2009

Mr. Beau Herring  
 Codes Director  
 City of Spring Hill  
 199 Town Center Parkway  
 Spring Hill, TN 37179

Re: Section 5A Wades Grove – Requested Release of Maintenance Bond and  
 Establishment of Reduced Performance Bond

Dear Beau,

John Maher Builders, Inc. requests a release of the existing maintenance bond for Section 5A in the Wades Grove Subdivision. The current maintenance bond (#S641676) in the amount of \$139,046.71 expires January 21, 2010. A new performance bond will be established for the reduced amount of \$61,058.78 to cover storm drainage, sewer, water, curbing, binder pavement and final topping to all streets calculated as follows:

|                  | Original Maintenance Bond |      | Requested Reduced Performance Bond |
|------------------|---------------------------|------|------------------------------------|
| Storm drainage   | \$ 25,045.00              | 25%  | \$ 6,261.25                        |
| Sewer            | \$ 33,550.50              | 25%  | \$ 8,387.63                        |
| Water            | \$ 18,953.16              | 25%  | \$ 4,738.29                        |
| Paving and curbs | \$ 26,435.25              | 25%  | \$ 6,608.81                        |
| Tack & surface   | \$ 35,062.80              | 100% | \$ 35,062.80                       |
| Total bond       | \$ 139,046.71             |      | \$ 61,058.78                       |

All infrastructure is 100% complete, except for the final topping, and was approved by the City of Spring Hill in November of 2007. The new performance bond will be irrevocable and automatically renew annually until released by the City of Spring Hill. If you have any questions, please call me at (931) 489-1981, ext. 27.

Sincerely,

*Randy Aydelotte*  
 Randy Aydelotte  
 Development Manager

*Does not include walking trail*

P. O. Box 681727, Franklin, TN 37068-1727  
 1109 Old Kedron Road, Spring Hill, TN 37174  
 931.489.1981 Fax: 931.489.1985  
 www.johnmaherbuilders.com

October 1, 2009

John Maher Builders  
P.O. Box 681727  
Franklin, TN 37068-1727

To Whom It May Concern:

After conducting a review of current bonds held by this office, the bond for Wade's Grove – Section 5A in the amount of \$139,046.71 will be coming up for renewal on 1-21-2010.

It is now city policy that all bonds are brought before the Planning Commission and the Board of Mayor and Aldermen for approval. Your intentions must be provided to this office prior to November 16, 2009 in order to be placed on the agenda for December.

It is the responsibility of the developer to ensure that all bonds pertaining to this project are renewed in a timely fashion.

Sincerely,

Beau Herring  
Director of Codes and Planning