

RESOLUTION 10-37

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF
SPRING HILL, TN TO REDUCE THE LETTER OF CREDIT FOR
BELSHIRE SUBDIVISION – PHASE TWO

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 the Letter of Credit be reduced
from \$308,349.00 to \$121,500.00 for twelve (12) months; 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 letter of credit 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 and storm
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 that a reduction of
the Letter of Credit for Belshire Subdivision, Phase 2, from \$308,349.00 to \$121,500.00 is hereby
approved.

Passed and adopted this 19th day of April, 2010.


Michael Dinwiddie, Mayor

ATTEST:


April Good, City Recorder

LEGAL FORM APPROVED:


Timothy P. Underwood, City Attorney

**RESOLUTION 10-18 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO REDUCE THE LETTER OF CREDIT FOR
BELSHIRE SUBDIVISION – PHASE TWO**

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 the Letter of Credit be reduced from \$308,349.00 to \$121,500.00 for twelve (12) months; 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 letter of credit 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 and storm drainage; and

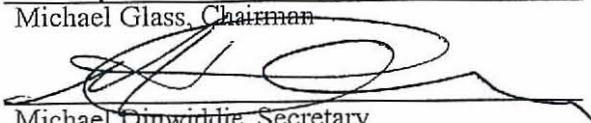
WHEREAS, upon completion of the public improvements listed above, the Developer will be required to file a “maintenance” bond guaranteeing performance of the public improvements for an additional one year period with the Planning Commission after the dedication and acceptance of such public improvements by the Board of Mayor and Aldermen.

NOW, THEREFORE BE IT RESOLVED, by the Spring Hill Planning Commission that a reduction of the Letter of Credit for Belshire Subdivision, Phase 2, from \$308,349.00 to \$121,500.00 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 12th day of April, 2010.



Michael Glass, Chairman



Michael Dinwiddie, Secretary

BOND INFORMATION SHEET

Site Name: Belshire Phase 2

Type of Bond:	Letter of Credit	Original Bond Amount:	\$308,349	Type of Action Requested:
Bond #:	S406334	Current Bond Amount:	\$308,349	Establish Bond <input type="checkbox"/>
Bond Issued:	4/28/2009	25% of Original Amount:	\$77,087	Bond Renewal <input type="checkbox"/>
Expiration Date:	5/15/2010	(Per Section 3-102.202 of Sub. Regs)		Bond Reduction <input checked="" type="checkbox"/>
				Bond Release <input type="checkbox"/>

Past Actions

Date:	Type of Action:	Amount:	Reason:

Required Installation

Streets			
Binder Installed:	Yes		
Road Base:	Stone		
Compaction Test Submitted:	No	**	
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:		11/12/2006	
Pump Station Required:		No	
"As Built" Drawings Submitted:	Yes		
Meets City Specifications:	Yes		

Storm Water Drainage System			
System Installed:	Yes		
"As Built" Drawings Submitted:	No		
Meets City Specifications:	Yes		

Water			
Water Line Installed:	Yes		
Water Line Tested:		12/8/2006	
"As Built" Drawings Submitted:		No	
Meets City Specifications:	Yes		

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

BOND INFORMATION SHEET

Site Name: Belshire Phase 2

Miscellaneous Site Information

Total Number of Lots:	70	Developer:	Harvey Development, LLC
Current Number of Available Building Lots:	66	In Bankruptcy:	No

Amenities: Complete: N/A

1- 6 Ft. Paved Walking Trail

2

3

Staff Comments:

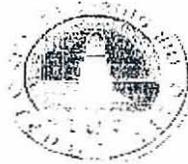
1. Sidewalks are required to be installed by individual builders
2. A final walk through inspection will need to be requested and completed prior to release of the performance bond and establishment of a maintenance bond.
3. As-Builts for water and storm have not been submitted
4. Developer request reduction of bond amount from \$308,349.00 to \$121,500.00

Staff Recommendation:

Recommendation to reduce current bond from \$308,349.00 to \$121,500.00 with the condition that water and storm as-builts be submitted

Beau Herring
Director of Codes
City of Spring Hill

City of Spring Hill
 199 Town Center Parkway
 P.O. Box 789
 Spring Hill, TN 37174
 Phone: 931.486.2252 ext. 211
 Fax: 931.486.3596



For additional information, send inquiries to:
 Beau Herring (bherring@springhilltn.org)

APPLICATION FOR BOND

PROJECT NAME: BELSHIRE PHASE: 2 SECTION: _____
 # OF LOTS APPROVED: 70 LOTS # OF LOTS REMAINING: 65 LOTS (STABILIZED)
 BOND TYPE: _____ MAINTENANCE _____ PERFORMANCE BOND LETTER OF CREDIT
 _____ CASHIER'S CHECK _____ CASH
 BOND AMOUNT: \$ 308,349.00 EXPIRATION DATE: 5/15/2010
 AUTOMATIC RENEWAL CLAUSE INCLUDED WITH BOND: Y N
 PURPOSE OF BOND: PHASE 2 - SUBDIVISION IMPROVEMENTS
(WATER, SEWER, STORM, ROADWAYS)

NAME OF BONDING COMPANY: THE BONDING COMPANY BOND #: 3460304
 CONTACT PERSON: MR. SCOTT BAKER EMAIL: MR. SCOTT BAKER @ BONDING
 ADDRESS: 1111 W. MAIN ST. CITY, STATE, ZIP: SPRING HILL TN 37174
 PHONE NUMBER: 931-377-3333 FAX NUMBER: 931-377-3316

NAME OF OWNER/DEVELOPER OR REPRESENTATIVE: THE BONDING COMPANY
 ADDRESS: 1111 W. MAIN ST. CITY, STATE, ZIP: SPRING HILL TN 37174
 PHONE NUMBER: 931-377-3333 FAX NUMBER: 931-377-3316
 EMAIL: MR. SCOTT BAKER @ BONDING

ACTION REQUEST

I (WE) REQUEST THAT THE FOLLOWING ACTION BE TAKEN ON THIS AGREEMENT-

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

EXPLANATION FOR PROOF OF DIFFICULTY: _____

 Applicant Signature / Date



3/11/10

- Belshire Subdivision -
(Interstate 31/ Spring Hill, TN)
Phase 2 Bond Reduction Request
City of Spring Hill

Mr. Beau Herring
 Director of Codes
 City of Spring Hill
 199 Town Center Parkway
 P.O. Box 789
 Spring Hill, TN 37174

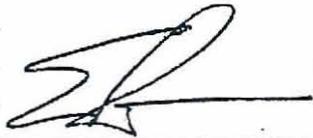
Beau Herring,
 Paula Hepp,

Per our email discussion on 3/11/10 the following is breakdown of the expenses for construction of Phase 2 in the Belshire Subdivision along Interstate 31 in Spring Hill. With this application we request the reduction of the current bond in the amount of \$308,349.00 to an amount more comensurate with the remaining work. Below please also find an estimate for the final top coat application which remains as the only outstanding item for project completion. We appreciate your assistance in this matter.

Belshire Phase 2

Item #	Item	Completed Expenses	Remaining Expenses
1	Grading	\$195,550.00	
2	Erosion Control	\$65,000.00	
3	Storm Drainage	\$155,480.00	
4	Sewer	\$322,308.00	
5	Water	\$231,110.00	
6	Paving & Curbs	\$284,543.00	
7	Paving Top Coat		\$121,500.00
	Total	\$1,253,991.00	\$121,500.00

ESTIMATE: \$121,500.00 – For Installation of Asphalt Top Coat in Phase 2. Estimate is based on 13,500 SY of surface area at an industry standard of \$9.00 +/- Asphalt index at the time of installation.

Land Solutions of Tennessee, LLC	Harvey Development, LLC
1045 Sunset Road, Brentwood, TN 37027	121- 1 st Avenue South, Ste. 210 Franklin, TN 37064
By: 	By:
Name: Evan Ruggiero	Name: Preston Ingram
Title: Owner	Title: Owner
Date: 3.11.10	Date:

land solutions of Tennessee

1045 Sunset Road ~ Brentwood, TN 37027
 P: 615-416-4066 ~ www.landsolutionstn.com

RAGAN • SMITH

LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS

3/11/10

- Belshire Subdivision -
(Interstate 31/ Spring Hill, TN)
Phase 2 Bond Reduction Request
City of Spring Hill

Mr. Beau Herring
Director of Codes
City of Spring Hill
199 Town Center Parkway
P.O. Box 789
Spring Hill, TN 37174

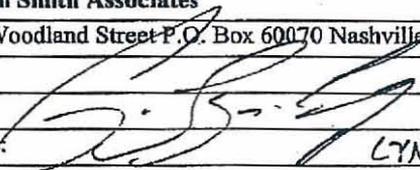
Beau Herring,
Paula Hepp,

Based on the provided information below for the Belshire Community Phase 2, the following is an approved estimate for the proposed scope of work:

Belshire Phase 2

Item #	Item	Pavement Area	Estimated Top Coat Cost	Total
1	Paving Top Coat	13,500 SY	\$9.00	\$121,500.00
	Total			\$121,500.00

ESTIMATE: \$121,500.00 – For installation of Asphalt Top Coat in Phase 2. Estimate is based on 13,500 SY of surface area at an industry standard of \$9.00 +/- Asphalt index at the time of installation.

Land Solutions of Tennessee, LLC	Ragan Smith Associates
1045 Sunset Road, Brentwood, TN 37027	315 Woodland Street P.O. Box 60070 Nashville, TN 37206
By: 	By: 
Name: Evan Ruggiero	Name: LYNN EALEY, PE
Title: Owner	Title: Civil Engineer
Date: 3.11.10	Date: March 12, 2010

LETTER OF CREDIT NO. CIS406334

PAGE 1

ISSUING BANK:
FIFTH THIRD BANK, N.A., (TENNESSEE)

BENEFICIARY:
CITY OF SPRING HILL, TENNESSEE
199 TOWN CENTER PARKWAY
SPRING HILL, TN 37174
ATTN: JEROME D. DEMPSEY

APPLICANT:
HARVEY DEVELOPMENT, LLC
4521 TROUSDALE DRIVE
NASHVILLE, TN 37204

LETTER OF CREDIT NO: CIS406334
ISSUE DATE: JUNE 13, 2007
EXPIRATION DATE: MAY 15, 2008
EXPIRATION PLACE: AT OUR COUNTERS
AMOUNT: 308,349.00 USD THREE HUNDRED EIGHT THOUSAND THREE HUNDRED FORTY NINE 00/100

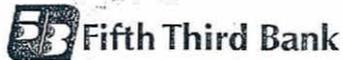
RE: CITY OF SPRING HILL, TENNESSEE, BELSHIRE SUBDIVISION, PHASE TWO, MAINTENANCE BOND/LETTER OF CREDIT

WE HEREBY ISSUE IN YOUR FAVOR THIS IRREVOCABLE STANDBY LETTER OF CREDIT WHICH IS AVAILABLE BY PRESENTATION OF YOUR DRAFT(S) AT SIGHT DRAWN ON FIFTH THIRD BANK, N.A. (TENNESSEE) ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT AND THE FOLLOWING DOCUMENTS:

BENEFICIARY'S SIGNED STATEMENT CERTIFYING THAT HARVEY DEVELOPMENT, LLC HAS FAILED TO MAINTAIN THE ROADWAYS, STORM WATER DRAINAGE COMPONENTS, SANITARY SEWER SYSTEM AND/OR WATER DISTRIBUTION SYSTEM WITHIN THE PROJECT KNOWN AS BELSHIRE SUBDIVISION, PHASE 2.

PARTIAL DRAWINGS ARE ALLOWED.
MULTIPLE DRAWINGS ARE ALLOWED.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE AUTOMATICALLY RENEWED WITHOUT AMENDMENT FOR ADDITIONAL PERIODS OF 1 YEAR(S) UNLESS WE NOTIFY YOU BY CERTIFIED MAIL OR COURIER AT



LETTER OF CREDIT NO. CIS406334

PAGE 2

LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE THAT WE INTEND NOT TO RENEW THIS LETTER OF CREDIT.

THE BANK SHALL NOT BE CALLED UPON TO DETERMINE QUESTIONS OF FACT OR LAW AT ISSUE BETWEEN THE BANK'S CUSTOMER AND THE BENEFICIARY OF THIS LETTER OF CREDIT.

ALL BANKING CHARGES OUTSIDE OF THE ISSUING BANK ARE FOR THE ACCOUNT OF THE BENEFICIARY.

ALL DRAFTS MUST BEAR THE CLAUSE: "DRAWN UNDER LETTER OF CREDIT NUMBER CIS406334 OF FIFTH THIRD BANK, N.A. (TENNESSEE), DATED JUNE 13, 2007."

THIS LETTER OF CREDIT IS TRANSFERABLE IN ITS ENTIRETY TO ANY TRANSFEREE WHOM YOU CERTIFY TO US. TRANSFER OF THE AVAILABLE AMOUNT UNDER THIS LETTER OF CREDIT TO SUCH TRANSFEREE SHALL BE EFFECTED UPON COMPLETION OF THE ATTACHED TRANSFER FORM ALONG WITH THE RETURN OF THE ORIGINAL LETTER OF CREDIT.

THIS ORIGINAL LETTER OF CREDIT, ALONG WITH ANY SUBSEQUENT AMENDMENTS, MUST BE SUBMITTED TO THE BANK FOR OUR ENDORSEMENT OF ANY PAYMENTS EFFECTED BY US AND/OR FOR CANCELLATION.

WE ENGAGE WITH YOU THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE HONORED IF NEGOTIATED OR PRESENTED DURING BUSINESS HOURS ON OR BEFORE THE EXPIRATION DATE AT:

FIFTH THIRD BANK
INTERNATIONAL TRADE SERVICES
5050 KINGSLEY DRIVE
MD 1MOCBR
CINCINNATI, OH 45263

COMMERCIAL LETTERS OF CREDIT: 513-358-5119
STANDBY LETTERS OF CREDIT: 513-358-2126

THIS LETTER OF CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES/ISP98, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 590.


AUTHORIZED SIGNATURE


AUTHORIZED SIGNATURE



EXHIBIT A

TRANSFER OF LETTER OF CREDIT IN ITS ENTIRETY

**FIFTH THIRD BANK
INTERNATIONAL TRADE SERVICES
300 N. ZEEB DRIVE
COLUMBUS, OH 43263**

WE ACKNOWLEDGE OF THE ORIGINAL INSTRUMENT WHICH YOU FORWARDED TO US
ON THE ISSUANCE OF A LETTER OF CREDIT BEARING YOUR REFERENCE NO. _____
IN FAVOR OF OURSELVES AND/OR TRANSFEREE AND WE HEREBY REQUEST YOU TO
RE-ASSIGN THE SAID LETTER OF CREDIT TO:



YOUR COMPANY
IN FULL PAYMENT OF THE SAID LETTER OF CREDIT.
BY RETURNING THE ORIGINAL INSTRUMENT AND ALL ORIGINAL AMENDMENTS TO YOU
BY ORDER THAT YOU MAY DELIVER IT TO THE TRANSFEREE TOGETHER WITH YOUR
LETTER OF TRANSFER OR ISSUE A NEW LETTER OF CREDIT IN FAVOR OF THE
TRANSFEREE USING IDENTICAL TERMS AND CONDITIONS OF THIS LETTER OF CREDIT.

WE HAVE ATTACHED OUR CHECK FOR \$ _____ REPRESENTING YOUR TRANSFER COMMISSION
AND TRANSFER FEE. IN ADDITION THERE TO WE AGREE TO PAY TO YOU ON DEMAND ANY EXPENSES THAT MAY
BE INCURRED BY YOU IN CONNECTION WITH THIS TRANSFER. (1/4 OF 1 PERCENT OF AMOUNT
TRANSFERRED WITH A MINIMUM OF \$250.00)

TRULY,

(NAME)

Phase 2
\$ 308,349.00

LETTER OF CREDIT NO. S406334

PAGE 1

AMENDMENT NUMBER: 002

DATE OF AMENDMENT:
APRIL 28, 2009

ISSUING BANK:
FIFTH THIRD BANK, N.A. (TENNESSEE)

APPLICANT:
HARVEY DEVELOPMENT, LLC
4521 TROUSDALE DRIVE
NASHVILLE, TN 37204

BENEFICIARY:
CITY OF SPRING HILL, TENNESSEE
199 TOWN CENTER PARKWAY
SPRING HILL, TN 37174
ATTN: JEROME D. DEMPSEY

RE: OUR IRREVOCABLE LETTER OF CREDIT NO. S406334 ISSUED ON JUNE 13, 2007 IN FAVOR OF CITY OF SPRING HILL, TENNESSEE FOR THE ACCOUNT OF HARVEY DEVELOPMENT, LLC

PLEASE AMEND THE ABOVE AS FOLLOWS:

EXPIRATION DATE IS NOW AMENDED TO READ MAY 15, 2010.

WE HEREBY RESCIND OUR NOTICE OF NON-RENEWAL DATED APRIL 08, 2009.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

REGARDS,



AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE

Zimbra

phepp@springhilltn.org

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Belshire Bond Reductions- 3.10.10

From : Evan Ruggiero <eruggiero@landsolutionstn.com> Wed, Mar 10, 2010 11:22 AM
Subject : Belshire Bond Reductions- 3.10.10
To : phepp@springhilltn.org
Cc : bherring@springhilltn.org, 'Becky Richardson' <brichardson.hpi@gmail.com>, Evan Ruggiero <eruggiero@landsolutionstn.com>
Reply To : ERuggiero@LandSolutionsTN.com

Paula-

Thanks for the notice regarding the Belshire community and our eligibility to reduce bonds. Back in December/ January I met with Beau to discuss this community's bond amounts and have just recently become back involved with assisting in these reduction requests. Today and tomorrow I will be gathering the most up to date information regarding bond contacts and community build-out. Per your email below I wanted to give you this notice to help in any way with your deadline of the 15th. I'll be in touch with Beau later today and have the necessary paperwork to you both by Friday.

We apologize for getting on this so late. Thanks for the help.

Evan Ruggiero
Owner
Land Solutions of Tennessee, LLC
C: 615 416 4066
F: 615 467 8714
www.landsolutionstn.com

-----Original Message-----

From: Paula Hepp [<mailto:phepp@springhilltn.org>]
Sent: Thursday, March 04, 2010 11:48 AM
To: Evan Ruggiero
Cc: Beau Herring
Subject: Belshire Subdivision, Phase 2

Mr. Ruggiero,

The City of Spring Hill currently has a Letter of Credit from 5/3 Bank to guarantee the remaining improvements that need to be completed. The Letter of Credit will expire on May 15, 2010. All renewals of bonds or letters of credit have to go before the Planning Commission and Board for action. If you wish to renew, release or reduce the letter of credit, you will need to fill out the form attached and submit to the Codes Department by March 12, 2010 in order for the Codes Department to process the information for the April agendas.

Please inform us as soon as possible of your intentions for this bond so we can start the process for our deadline submittal on March 15, 2010.

If you have any questions, please do not hesitate to contact either Beau Herring or Paula Hepp at 931.486.2252.

Thanking you in advance,

Paula Hepp
Codes Department