

RESOLUTION 10-55

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF
SPRING HILL, TN TO REDUCE THE LETTER OF CREDIT FOR
WESTVIEW TOWNHOMES, PHASE 1

WHEREAS, a Letter of Credit is currently in place for this development; and

WHEREAS, the Letter of Credit has a "shall be extended for additional periods of one year each from the present or future expiration date hereof" clause so it will only be terminated on written notification from the financial institution or by request of the City of Spring Hill; 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 1/2 inches of hot mix asphalt; and

WHEREAS, to date, the improvements have not been completed 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 \$184,500.00 to \$50,000.00 for twelve (12) months; and

WHEREAS, it is anticipated that the date of completion for the above referenced improvements will be within the twelve (12) month period from the date of this resolution and in case such improvements are not completed in a timely manner, the Letter of Credit does not expire; 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 sanitary sewer, water, roads 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 Westview Townhomes, Phase 1, from \$184,500.00 to \$50,000.00 is hereby approved.

Passed and adopted this 21st day of June, 2010.



Michael Dinwiddie, Mayor



Michael Glass, Chairman

Michael Dinwiddie, Secretary

**RESOLUTION 10-27 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO REDUCE THE LETTER OF CREDIT FOR
WESTVIEW TOWNHOMES, PHASE 1**

WHEREAS, a Letter of Credit is currently in place for this development; and

WHEREAS, the Letter of Credit has a "shall be extended for additional periods of one year each from the present or future expiration date hereof" clause so it will only be terminated on written notification from the financial institution or by request of the City of Spring Hill; 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 completed 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 \$184,500.00 to \$50,000.00 for twelve (12) months; and

WHEREAS, it is anticipated that the date of completion for the above referenced improvements will be within the twelve (12) month period from the date of this resolution and in case such improvements are not completed in a timely manner, the Letter of Credit does not expire; 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 sanitary sewer, water, roads 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 Westview Townhomes, Phase 1, from \$184,500.00 to \$50,000.00 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 14th day of June, 2010.

Michael Glass, Chairman

Michael Dinwiddie, Secretary

BOND INFORMATION SHEET

Site Name: Westview Townhomes, Phase 1

Type of Bond:	Letter of Credit	Original Bond Amount:	\$184,500	<u>Type of Action Requested:</u>
Bond #:	#1180	Current Bond Amount:	\$184,500	Establish Bond <input type="checkbox"/>
Bond Issued:	7/20/2007	25% of Original Amount:	\$46,125	Bond Renewal <input type="checkbox"/>
Expiration Date:	7/20/2010	(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:	5/29/2007
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:	6/20/2007
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

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

BOND INFORMATION SHEET

Site Name: Westview Townhomes, Phase 1

Miscellaneous Site Information			
Total Number of Lots:	32	Developer:	Charles D. Raines/Paul E. Varney
Current Number of Available Building Lots:	18	In Bankruptcy:	No
Amenities:	Complete:	NO	
1. Proposed Clubhouse and Gazebo			
2			
3			

Staff Comments:

1. Letter of Credit contains an automatic renewal clause
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. Overall project is in good shape
4. Paving estimate is \$34,400

Staff Recommendation:

Recommend reduction of letter of credit amount to \$50,000.00 to cover paving costs and incidentals for storm, sewer and water

Beau Herring
Director of Codes
City of Spring Hill

IRREVOCABLE LETTER OF CREDIT #1180

Issue Date: July 20, 2007
Expiration Date: July 20, 2008
Beneficiary: City of Spring Hill
199 Town Center Parkway
Spring Hill, TN 37174
Applicant: Charles D. Raines
Paul E. Varney
873 Beechcroft Rd.
Spring Hill, TN 37174-7343

*West
Greenview
Section one*

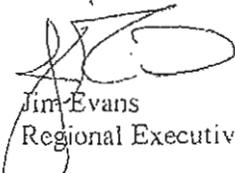
We hereby issue our Irrevocable Letter of Credit #1180 in your favor for the account of Charles Raines and Paul Varney, for an amount not to exceed an aggregate of One Hundred Eighty Four Thousand Five Hundred and No/100 Dollars (\$184,500.00).

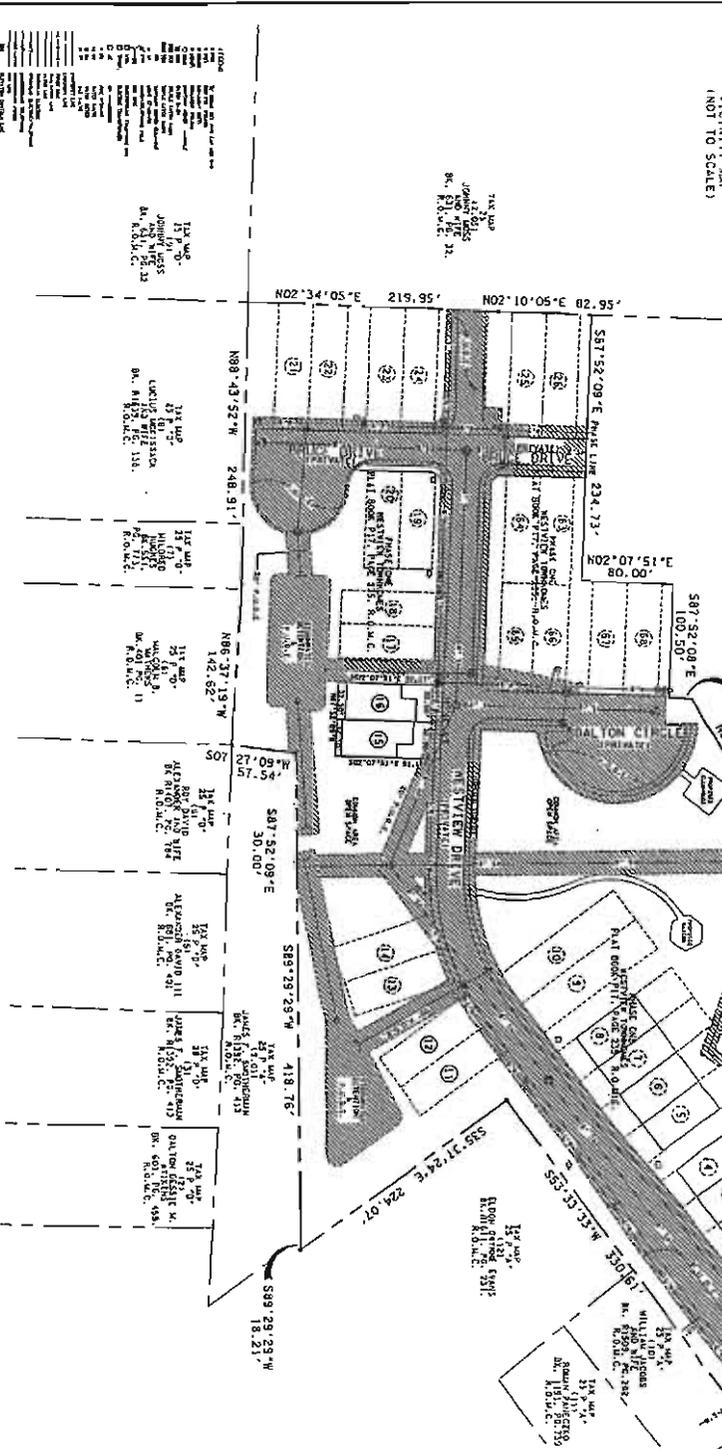
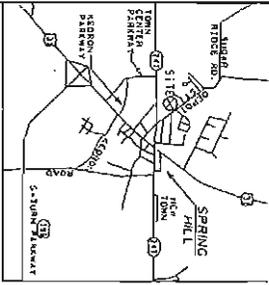
This Letter of Credit is available by the Beneficiary's one or more clean drafts at sight drawn on GreenBank. Each draft so drawn must be marked "Drawn under GreenBank Letter of Credit #1180", and be accompanied by a signed statement of Beneficiary that the amount drawn represents the balance due and unpaid by Applicant. We hereby agree that all drafts drawn under and in compliance with the terms of this credit will be duly honored upon delivery as specified if presented at our counters on or before the expiration date indicated above.

It is a condition of this Letter of Credit that it shall be extended for additional periods of one year each from the present or future expiration date hereof, unless sixty (60) days prior to such date we notify you in writing that we elect not to renew this Letter of Credit for such additional period.

Except so far as otherwise expressly stated, this Letter of Credit is subject to Uniform Customs and Practice for Documentary Credits, 1993 Revision, ICC Publication No. 500.

GreenBank


Jim Evans
Regional Executive



- NOTES:**
1. EXISTING SPRAWL BASED ON RECORD DED.
 2. THE LOCATION OF THE UNDERGROUND UTILITIES ARE BASED ON UTILITY COMPANIES' RECORDS OF UNDERGROUND UTILITIES. THE DEVELOPER SHALL VERIFY THE LOCATION, DEPTH, AND TYPE OF UTILITIES PRIOR TO CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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STATEMENT OF WORK

THE ENGINEER HAS REVIEWED THE PLAT AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE CITY OF SPRING HILL, TENNESSEE. THE ENGINEER HAS ALSO REVIEWED THE PLAT AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE CITY OF SPRING HILL, TENNESSEE.

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RE-SUBDIVISION OF UNITS
PHASE ONE
WESTVIEW TOWNHOMES

FINAL SUBDIVISION PLAT
 CITY OF SPRING HILL, PLANNING COMMISSION

TOTAL LOTS: 2
 ACRES PRIVATE STREET: N/A
 ACRES OPEN SPACE: N/A
 ZONING: R8
 DATE: 07-21-2024

PREPARED BY: SHERIDAN L. LADD SURVEYING, LLC
 214 N. MAIN ST., SUITE 100
 SPRING HILL, TENNESSEE 37174

SLS FILE 07-035

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: Westview Subdivision PHASE: 1 SECTION: _____
OF LOTS APPROVED: 68 # OF LOTS REMAINING: 50
BOND TYPE: _____ MAINTENANCE _____ PERFORMANCE BOND LETTER OF CREDIT
_____ CASHIER'S CHECK _____ CASH
BOND AMOUNT: \$ 184,500⁰⁰ EXPIRATION DATE: 7-20-10
AUTOMATIC RENEWAL CLAUSE INCLUDED WITH BOND: Y N
PURPOSE OF BOND: per Letter of Credit Westview

NAME OF BONDING COMPANY: Green Bank BOND #: 1180
CONTACT PERSON: Robin Fogle EMAIL: FogleR@greenbank@se.com
ADDRESS: 372 West Northfield Blvd CITY, STATE, ZIP: Murfreesboro TN 37129
PHONE NUMBER: 615-907-4300 FAX NUMBER: 615-848-0087

NAME OF OWNER/DEVELOPER OR REPRESENTATIVE: Paul Varney & Charles Raines
ADDRESS: 873 Beechcroft Rd CITY, STATE, ZIP: Spring Hill TN 37174
PHONE NUMBER: 931-486-3991 FAX NUMBER: 931-486-3584
EMAIL: varney64@gmail.com

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: _____

Carol Raines 5-13-10
Applicant Signature / Date

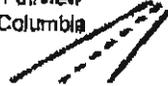
05/17/2010 11:56 7942408

TENN VALLEY PAVING

PAGE 01/02

TENNESSEE
VALLEY
PAVING

Quality Work Since 1957
Hot Mix Bases
Franklin
Fairview
Columbia



135 Old Carter's Creek Pike
Franklin, TN, 37064

Phone: 615-794-2351
Fax: 615-794-2408

PROPOSAL TO:

RAMES CONSTRUCTION

P.O. Box 1715

SPAWY HILL, TN 37174

Fax 1-931-486-3584

DATE: 5-17-2010

PROJECT / BID:

Westview Subdivision

WE ARE PLEASED TO QUOTE TO FOLLOWING:

5,222 sq. yd. 1 1/2" TOP

@ 34,400⁰⁰

Prices quoted based on current TDOT bituminous index unless noted above and may be subject to change.
Stakes and layout to be provided by others.
Material testing not provided unless noted above.
All accounts payable within 30 days upon completion.

MAX PRICE \$180,000

AUTHORIZED SIGNATURE

ACCEPTED BY

DATE



May 3, 2010

Mr. Charles Raines
Charles Raines Construction, LLC
P.O. Box 1715
Spring Hill, Tennessee 37174

**Re: Westview Subdivision, Phase 1
Upcoming Bond Expiration**

Dear Mr. Raines:

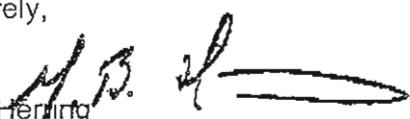
A review of our records indicates that a Letter of Credit currently on file with our office for Westview Subdivision, Phase 1 will be expiring on July 20, 2010. Because the Letter of Credit has an automatic renewal clause, the City is not concerned about it expiring, however, the City does have to take action on the Letter of Credit each year.

All proposed action on letters of credit; whether for renewal, reduction or release must be brought before the Planning Commission and Board of Mayor and Aldermen for approval prior to their expiration date. Based on the above referenced expiration date, this office must receive correspondence (with the signed application form) as to the proposed action on the letter of credit prior to May 13, 2010 so that the information can be processed timely and placed on the June agendas for approval.

It is the responsibility of the developer to ensure that all bonds pertaining to this project are kept current. Enclosed, please find a brief summary of our current bond requirements and application form. If correspondence is not received by May 13, 2010, the City may be forced to take action on the current bond.

Thank you for your continued cooperation: If you have any questions, please do not hesitate to contact our office.

Sincerely,


Beau Herring
Director of Codes and Planning