

RESOLUTION 11-24

**A RESOLUTION TO ACCEPT THE RECOMMENDATION OF THE SPRING HILL
MUNICIPAL PLANNING COMMISSION TO REDUCE THE SURETY FOR
CHERRY GROVE ADDITION PHASE 4, SECTION 1**

WHEREAS, A Surety is currently in place for this development to guarantee construction of certain improvements including: the storm water drainage system, water and sanitary sewer system and roadway 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 Planning Commission that the Surety be reduced to the amount of \$17,100.00; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within a twelve month period from the date of this resolution, however it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the surety in case such improvements are not completed in a timely manner; and

WHEREAS, it has been noted that streetlights have not been installed within this phase of development and will be required prior to additional Certificates of Occupancy being issued by the City, and

WHEREAS, upon completion of the public improvements listed above, the Developer may be required to file a "maintenance" surety 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 a reduction of the Surety for Cherry Grove Addition Phase 4, Section 1 to the amount of \$17,100.00 is hereby approved.

Passed and adopted this 21st day of March, 2011.



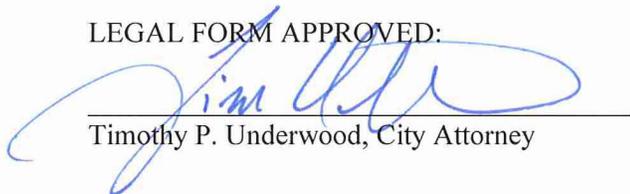
Michael Dinwiddie, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

**RESOLUTION 11-06 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO REDUCE THE SURETY FOR
CHERRY GROVE ADDITION PHASE 4, SECTION 1**

WHEREAS, A Surety is currently in place for this development to guarantee construction of certain improvements including: the storm water drainage system, water and sanitary sewer system and roadway 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 Surety be reduced to the amount of \$14,100.00; and

WHEREAS, it is anticipated that the date of completion for the above referenced public improvements will be within a twelve month period from the date of this resolution, however it is required that an automatic renewal clause, to the benefit of the City of Spring Hill, be included within the surety in case such improvements are not completed in a timely manner; and

WHEREAS, it has been noted that streetlights have not been installed within this phase of development and will be required prior to additional Certificates of Occupancy being issued by the City, and

WHEREAS, upon completion of the public improvements listed above, the Developer may be required to file a "maintenance" surety 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 Surety for Cherry Grove Addition Phase 4, Section 1 to the amount of \$14,100.00 is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 14th day of March, 2011.



Michael Glass, Chairman



Michael Dinwiddie, Secretary

BOND INFORMATION SHEET

Site Name: Cherry Grove Addition, Phase 4, Section 1

Type of Bond:	Letter of Credit	Original Bond Amount:	\$46,400	<u>Type of Action Requested:</u>
Bond #:	3212460	Current Bond Amount:		Establish Bond <input type="checkbox"/>
Bond Issued:	4/13/2010	25% of Original Amount:	\$11,600	Bond Renewal <input type="checkbox"/>
Expiration Date:	4/13/2011	(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:
3/15/2010	Establish L of C	46,400	Established Letter of Credit for remaining asphalt topping

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:	9/1/2009
Pump Station Required:	No
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

Storm Water Drainage System	
System Installed:	Yes
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

Water	
Water Line Installed:	Yes
Water Line Tested:	11/16/2009
"As Built" Drawings Submitted:	Yes
Meets City Specifications:	Yes

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

BOND INFORMATION SHEET

Site Name: Cherry Grove Addition, Phase 4, Section 1

Miscellaneous Site Information

Total Number of Lots:	18	Developer:	Don Cameron
Current Number of Available Building Lots:	12	In Bankruptcy:	No
Amenities:	None	Complete:	N/A
1			
2			
3			

Staff Comments:

1. Developer requested reduction of letter of credit amount to \$14,100.
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 amenities exist within this phase and section of development.
4. Street lights have not been established within this phase
5. A review of stormwater BMPs on site indicated that maintenance needs to be conducted to protect from stormwater runoff.

Staff Recommendation:

Reduce letter of credit for Cherry Grove Addition, Phase 4, Section 1 to the amount of \$14,100.00 to accommodate the cost of final asphalt topping.
Conditionally, street lights must be established within this phase of development prior to additional COs being issued; stormwater maintenance needs to be conducted; and the letter of credit contain an automatic renewal clause.

Chris Brooks
Building Official
City of Spring Hill

802 Memorial Blvd. ■ Murfreesboro, TN 37129
615-867-9728 ■ www.myfmbank.com

April 13, 2010

IRREVOCABLE LETTER OF CREDIT NO. 3212460

City of Spring Hill
199 Town Center Parkway
Spring Hill, Tennessee 37174



RE: Donnie R. Cameron, d/b/a Cherry Grove Development (Applicant)
City of Spring Hill (Beneficiary)
F&M Bank (Issuer)
Maturity Date: April 13, 2011

Dear Madam and Sir:

We hereby establish our Irrevocable Letter of Credit in your favor to authorize you to draw on us for the account of Donnie R. Cameron, d/b/a Cherry Grove Development up to an aggregate amount of Forty Six Thousand Four Hundred Dollars (\$46,400.00) specifically involving the surety bond for Cherry Grove Development for 18 residential lots, Phase IV, Section I – water, sewer, storm drainage and final coat of pavement available by your draft(s) at sight accompanied by your sworn affidavit that you incurred liability, or that a situation exists under which, in your sole judgment, claim may be made for loss, cost or expense, and that monies represented by your draft(s) are required for your protection specifically involving the surety bond for Cherry Grove Development for 18 residential lots, Phase IV, , Section I – water, sewer, storm drainage and final coat of pavement.

Each draft must include a copy of the Letter of Credit and must bear on its face the clause “Drawn under IRREVOCABLE LETTER OF CREDIT NO. 3212460, dated April 13, 2010, at F & M Bank, Attn. Letter of Credit Department, 2081 Wilma Rudolph Boulevard, Clarksville, TN 37040.”

We engage with you that all draft(s) drawn under and in compliance with the terms of this credit will be duly honored by us specified if presented at the above-stated office on or before April 13, 2011. This Letter of Credit will not automatically renew and will terminate on the aforesaid date.

Your acceptance of the Credit will constitute your agreement to repay to us any funds paid by us to you hereunder and not used by you in satisfaction of or reimbursement of any loss, cost, claim or expense of any nature whatsoever incurred by you. In the event an accounting is requested by us to determine a potential reimbursement, you agree to furnish such at your earliest convenience.

The request for payment under this Letter of Credit shall be final and conclusive for all purposes without verification by us and shall not be subject to refutation, denial or contest. Notwithstanding the foregoing, we may refute, deny or contest any such request for payment under this Letter of Credit based upon any applicable local, state, federal statute, or by uniform customs and practices referenced below.

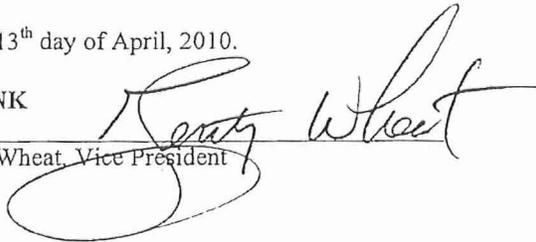
Except so far as otherwise expressly stated, this Credit is subject to the Uniform Customs Practices for Commercial Documentary Credits fixed by the International Chamber of Commerce applicable at the date of this letter.

Signed this 13th day of April, 2010.

F & M BANK

BY:

Gentry Wheat, Vice President



Original estimate
for establishment
of bond

Cherry Grove Addition Sec I Ph 4

Binder = \$ 28,000.00

Storm = \$ 22,000.00

Water = \$ 28,500.00

Sewer = \$ 38,700.00

Storm = \$ 36,000.00

Paving & Curbing = Curbing \$ 8,900.00 Binder = \$ 31,200.00

Top out 18 lots @ \$ 600.00 = \$ 10,800.00

Water	\$ 28,000.00 x 25% =	\$ 7,000.00
Sewer	\$ 38,700.00 x 25% =	\$ 9,675.00
Storm	\$ 36,000.000 x 25% =	\$ 9,000.00

Paving	\$ 31,200.00
Curbing	\$ 8,900.00

Total \$ 40,100 x 25% \$ 10,025.00

Top out 18 lots @ \$600.00(100%) = \$ 10,800.00

Total for all \$ 46,500.00

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:
Chris Brooks (cbrooks@springhilltn.org)

APPLICATION FOR SURETY

PROJECT NAME: CHERRY GROVE PHASE: 4 SECTION: 1
OF LOTS APPROVED: 18 # OF LOTS REMAINING: _____
SURETY TYPE: _____ MAINTENANCE PERFORMANCE _____ RESTORATION
POSTED WITH: LETTER OF CREDIT _____ PERFORMANCE BOND _____ CASH
SURETY AMOUNT: \$ 46,400 EXPIRATION DATE: 4-13-2011
AUTOMATIC RENEWAL CLAUSE INCLUDED WITH SURETY: Y N
PURPOSE OF SURETY: _____

NAME OF FINANCIAL INSTITUTION: F And m BANK SURETY #: 3212460
CONTACT PERSON: Gentry Wheat EMAIL: gentry.wheat@myfmbank.com
ADDRESS: 802- Memorial Blvd CITY, STATE, ZIP: Murfreesboro
PHONE NUMBER: 615-867-9728 FAX NUMBER: 615-867-9730

NAME OF OWNER/DEVELOPER OR REPRESENTATIVE: Don R. Cameron Developer
ADDRESS: 1503 Columbia Ave CITY, STATE, ZIP: FRANKLIN TN 37064
PHONE NUMBER: 615-791-0093/351-1814 FAX NUMBER: 615-791-0995
EMAIL: Haylesa@msn.com

ACTION REQUEST

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

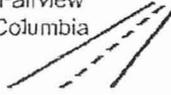
- ESTABLISH NEW SURETY
- REQUEST FINAL INSPECTION AND RELEASE OF SURETY
- REQUEST REDUCTION OF SURETY AMOUNT
- REQUEST EXTENSION OF SURETY FOR (1) YEAR
(PLEASE PROVIDE PROOF OF DIFFICULTY BELOW)

EXPLANATION FOR PROOF OF DIFFICULTY: _____

Don R. Cameron, III
Applicant Signature / Date



Quality Work Since 1957
Hot Mix Sales
Franklin
Fairview
Columbia



135 Old Carter's Creek Pike
Franklin, Tn. 37064

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

PROPOSAL TO:

Donnie CARROW
1503 COLUMBIA AVE.
FRANKLIN, TN 37064

FAX 791-0995

PH 791-0093

DATE: 2-10-2011

PROJECT / BID:

CHERRY GROVE PHASE 4 - SECTION 1

WE ARE PLEASED TO QUOTE THE FOLLOWING WORK:

CLEAN STREETS

Apply THICK COAT

PLACE 1 1/2 TOPCOAT

Repair curbing.

TOTAL FOR ABOVE IS \$ 14,100⁰⁰

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.

AUTHORIZED SIGNATURE

VD. 2-10-11

ACCEPTED BY

DATE

Cherry Grove Addition

Walk Thru
Inspection
2011

Headwall and outfall behind 1996 Bisbane Dr. Not stabilized and needs rip rap decelerator.

Storm drain pipe from catch basin to headwall contains sediment.

Catch basins on Bisbane Dr need to be cleaned.

Trash and debris to including building materials in storm water conveyance behind Bisbane Dr.

Dirt in streets.

Catch basins on corner of Ziel Ct and Bisbane Dr need cleaning.

Erosion in Detention/sediment basin, sloughing on rim and dam, rill in floor of basin, some high and low spots in floor/ has held water in spots, not stabilized.

No rip rap at headwall for basin.

Tree down at basin outfall.

Storm water infrastructure like streets should be bonded until all construction is complete and stabilized due to risk of erosion and sedimentation. Bond for storm water portion of construction should be lifted when NOT (notice of termination) to TDEC is submitted and approved by the state.

street lights have not been installed at Cherry Grove Addition across the bridge

CHECKLIST

Information for Planning Commission Packets

Deadline: Feb. 14, 2011

Development: Cherry Grove Add. 4; 1

- | | | |
|---------------------------------|-------------------------------------|---|
| Draft Resolution | <input checked="" type="checkbox"/> | 11-06 |
| Bond Information Sheet | <input checked="" type="checkbox"/> | Draft 2-10-11 2-14-11 |
| Copy of Bond | <input checked="" type="checkbox"/> | |
| Copy of Recorded Plat or Aerial | <input checked="" type="checkbox"/> | |
| Developer Request for Reduction | <input checked="" type="checkbox"/> | YES TN Valley Paving |
| Cost Estimate for Reduction | <input checked="" type="checkbox"/> | # |
| Correspondence | <input checked="" type="checkbox"/> | original estimate ✓
Paving estimate ✓ |
| Initial Letter | <input type="checkbox"/> | NO - CALL TO
Donnie Cameron 2-8-11
he asked for reduction |
| Bond Recon Complete | <input type="checkbox"/> | NA |
| Bond Application Form | <input checked="" type="checkbox"/> | from Developer |
| Inspection Log (for new bonds) | <input type="checkbox"/> | NA |
| Copies of Packet Completed | <input checked="" type="checkbox"/> | 10 |

Permit to
check
streetlights -
No
streetlights
placed as
of 2-14-11