

RESOLUTION 16-55

A RESOLUTION TO PROVIDE POLICY GUIDANCE FOR THE ADMINISTRATION OF BONDS WITHIN THE SUBDIVISION REGULATIONS

WHEREAS, the City of Spring Hill Board of Mayor and Aldermen would like to clarify the provisions of the bonding process within the Subdivision Regulations; and

WHEREAS, the City of Spring Hill Planning Commission is granted the authority to adopt and as well as make amendments to the Subdivision Regulations; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Mayor and Aldermen requests the Spring Hill Planning Commission hear and amend the Subdivision Regulations as follows:

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.

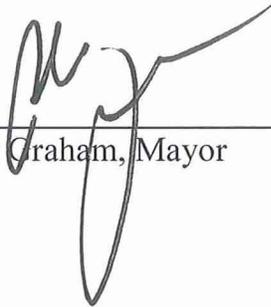
A maintenance bond, secured by a Letter of Credit, certified check, cash account, or insurance bond from an approved financial institution as set forth herein, to guarantee the roads, sidewalks, shoulders, signage, ditches and/or drainage system, and utilities, shall be required of each applicant for a minimum period twelve (12) months.

The maintenance period will begin when the roadway is constructed to binder and all other public improvements have been properly constructed by the developer, a Certificate of Satisfactory Completion has been approved by the City Engineer and Public Works Director, and the Planning Commission formally approves a resolution establishing the maintenance bond. The developer shall be required to post a performance bond for the final layer of asphalt at the same time as the maintenance bond based on actual construction cost, and this bond shall be held until the final layer of asphalt is properly constructed by the developer and a Certificate of Satisfactory Completion has been approved by the City Engineer and Public Works Director. The maintenance bond shall be 30% of the actual construction cost of all public improvements. 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 installations. 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

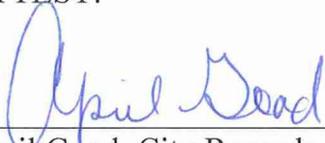
completion of the above and, in the case of road construction and/or improvements, acceptance of the dedications by the Spring Hill Board of Mayor and Alderman.

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



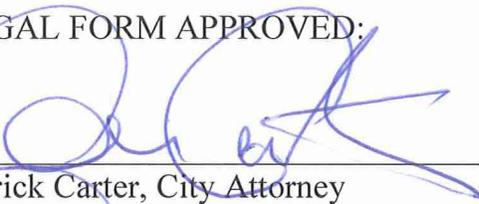
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: Administration of Performance and Maintenance Bonds

DATE: April 1, 2016

ATTENTION: Board of Mayor and Aldermen

STAFF: Dan Allen, Infrastructure Director



STAFF MEMORANDUM

The purpose of this memo is to provide information regarding possible changes to administration procedures for performance and maintenance bonds in the subdivision regulations.

Background:

In April 2013, the City of Spring Hill adopted an updated version of Subdivision Regulations. This rewrite significantly changed the regulations by adopting a new set of documents based on Williamson County's regulations. As a result, the performance and maintenance bond was significantly altered.

In section 4.3 of the current Subdivision Regulations, it states that the maintenance period for bonds shall not begin until all public improvements and required amenities are complete. Due to recent staff additions to assist with bond administration, staff has begun fully enforcing the requirements adopted by the City. After numerous discussions with staff, consultants, developers, and aldermen, it is clear that the City did not recognize the full consequences of the language that was adopted in 2013 and also that there is a desire to modify the process.

Proposed Short Term Amendment to Reinstate the Process Under the Previous Subdivision Regulations:

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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, and utilities, ~~and required amenities~~ shall be required of each applicant for a minimum period twelve (12) months.

The maintenance period will begin ~~when the roadway is constructed to binder and all other public improvements only after all public improvements and required amenities~~ have been properly constructed by the developer, ~~and accepted by the City~~ a Certificate of Satisfactory Completion has been approved by the City Engineer and Public Works Director, and the Planning Commission formally approves a resolution establishing the maintenance bond. The developer shall be required to post a performance bond for the final layer of asphalt at the same time as the maintenance bond based on actual construction cost, and this bond shall be held until the final layer of asphalt is properly constructed by the developer and a Certificate of Satisfactory Completion has been approved by the City Engineer and Public Works Director. 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 installations. 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 dedications by the Spring Hill Board of Mayor and Alderman.

Possible Amendment to Address Dirt over Utilities in Roadways:

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, ~~then the developer shall be required to hire a licensed, professional geotechnical engineer to take soil samples and provide a signed and sealed letter to the City detailing the type of soil and recommended compaction methods for use as trench backfill. he shall install the soil in maximum compacted lifts of 8 inches~~ The developer shall construct the backfill in accordance with the recommendations of the geotechnical engineer and ~~with~~ the upper most 12-inches of the trench shall be crusher run stone compacted at 98% of Standard Proctor test and installed in two 6 inch lifts. Compaction testing locations and spacing shall be determined by the City of Spring Hill. ~~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.

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w/ markups

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