

RESOLUTION NO. 21-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SURETY BOND AGREEMENT WITH STARS AND STRIPES LLC CONCERNING HUNTERS POINT PHASE ONE – MAINTENANCE UNTIL ACCEPTANCE

WHEREAS, the Pinson Planning and Zoning Commission has approved the final plat for Hunters Point Phase One, contingent on the City's acceptance of a performance bond as set forth herein;

WHEREAS, Article 6 of the City of Pinson's *Subdivision Regulations* requires that prior to the approval of a final plat, a subdivider shall have installed and constructed all of the improvements required by the City's regulations, or, failing that, shall have posted bond with the City, as a guarantee that the incomplete improvements will be installed and constructed within a specified length of time;

WHEREAS, the infrastructure has been completed in Hunters Point Phase One, but it was completed more than ten (10) years ago, giving rise to the possibility that such improvements will fail or deteriorate such that they will not comply with the City's requirements that they be in satisfactory condition prior to the City's acceptance of the developer's dedication of the subdivision's roads, infrastructure, and improvements (and maintenance of the same), and as such, Stars and Stripes LLC, the developer, wishes to post a bond as surety against such possibility;

WHEREAS, pursuant to Section 6.1.1 of the *Subdivision Regulations*, the planning commission has determined that the developer may post a performance bond with the City, guaranteeing the developer's performance of the requirement;

WHEREAS, Insite Engineering, the developer's engineer, submitted an estimate to the City for the cost of maintaining the infrastructure prior to its acceptance, which the City deems to be a reasonable estimate, and so the City shall, pursuant to Section 6.1.1(C) of the *Subdivision Regulations*, require a performance bond in an amount of \$31,031.50 or 10 % of the installation cost;

WHEREAS, the developer's performance bond shall be in the form of cash, certified check, or cashier check;

WHEREAS, the City will require an updated estimate from the developer's engineer every 18 months (until such performance bond has been released), and that the developer increase the amount of the performance bond accordingly;

WHEREAS, such performance bond shall remain in place until such time as the improvements are completed and the Pinson City Council accepts the developer's dedication of the subdivision's roads, infrastructure, and improvements (and maintenance of the same), or otherwise enforces the performance bond (pursuant to Section 6.1.1(D) of the *Subdivision Regulations*) if the developer fails to complete the improvements as required by the City;

WHEREAS, upon the release of the performance bond and the City's acceptance of the developer's dedication of the subdivision's roads, infrastructure, and improvements, the City shall return any unused portion of the bond to the developer; and

WHEREAS, the planning commission has required a maintenance bond in such form and amount, pursuant to § 6.1.2(B) of the *Subdivision Regulations*.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA while in special session on Thursday, April 8, 2021 at

7 p.m., that the Mayor, on behalf of the City, is hereby authorized and directed to execute a bond agreement with the developer and to accept the posting of bond (as well as to execute other related documents reasonably necessary to fulfill the intent of this Resolution), in a manner and form that is consistent with both the City's *Subdivision Regulations* and the information set forth above.

ADOPTED this the 8th day of April, 2021.



JOE COCHRAN, MAYOR

ATTEST:



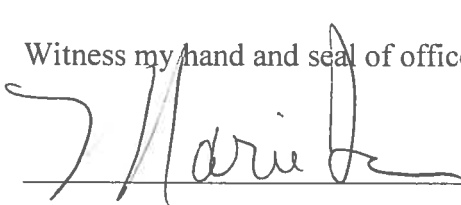
MARIE TURNER, CITY CLERK/TREASURER

CERTIFICATION OF CITY CLERK/TREASURER

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Marie Turner, City Clerk/Treasurer of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Pinson, Alabama, on the 8th day of April, 2021.

Witness my hand and seal of office this 8th day of April, 2021.


_____, City Clerk/Treasurer