

<b>PROPERTY INFORMATION:</b>	Saint Andrews Garth Phase 2 Letter of Credit Replacement
<b>ADDRESS:</b>	Saint Andrews Drive
<b>DISTRICT, LAND LOT:</b>	13 <sup>th</sup> Civil District, Tax Map 119 Parcel 015.20
<b>OVERLAY DISTRICT:</b>	Not Applicable
<b>EXISTING ZONING:</b>	PD, Planned Development
<b>PROPOSED ZONING:</b>	No Change
<b>ACRES:</b>	+/- 6.93
<b>EXISTING USE:</b>	Residential
<b>PROPOSED USE:</b>	Residential

**APPLICANT:** D.R. Horton

**ADDRESS:** 6 Sheridan Square, Suite 200, Kingsport, TN 37660

**REPRESENTATIVE:** D.R. Horton

**INTENT**

The new owner/ developer of the site has requested that the Planning Commission accept a subdivision bond and increase penalty rider for the remaining on-site improvement. The sole remaining on-site improvement is the sidewalk (to be constructed on one side of the road to adjoin with the existing sidewalk in Saint Andrews Garth) in the amount of \$70,834.50 for 3,990 sq. ft. of sidewalk.

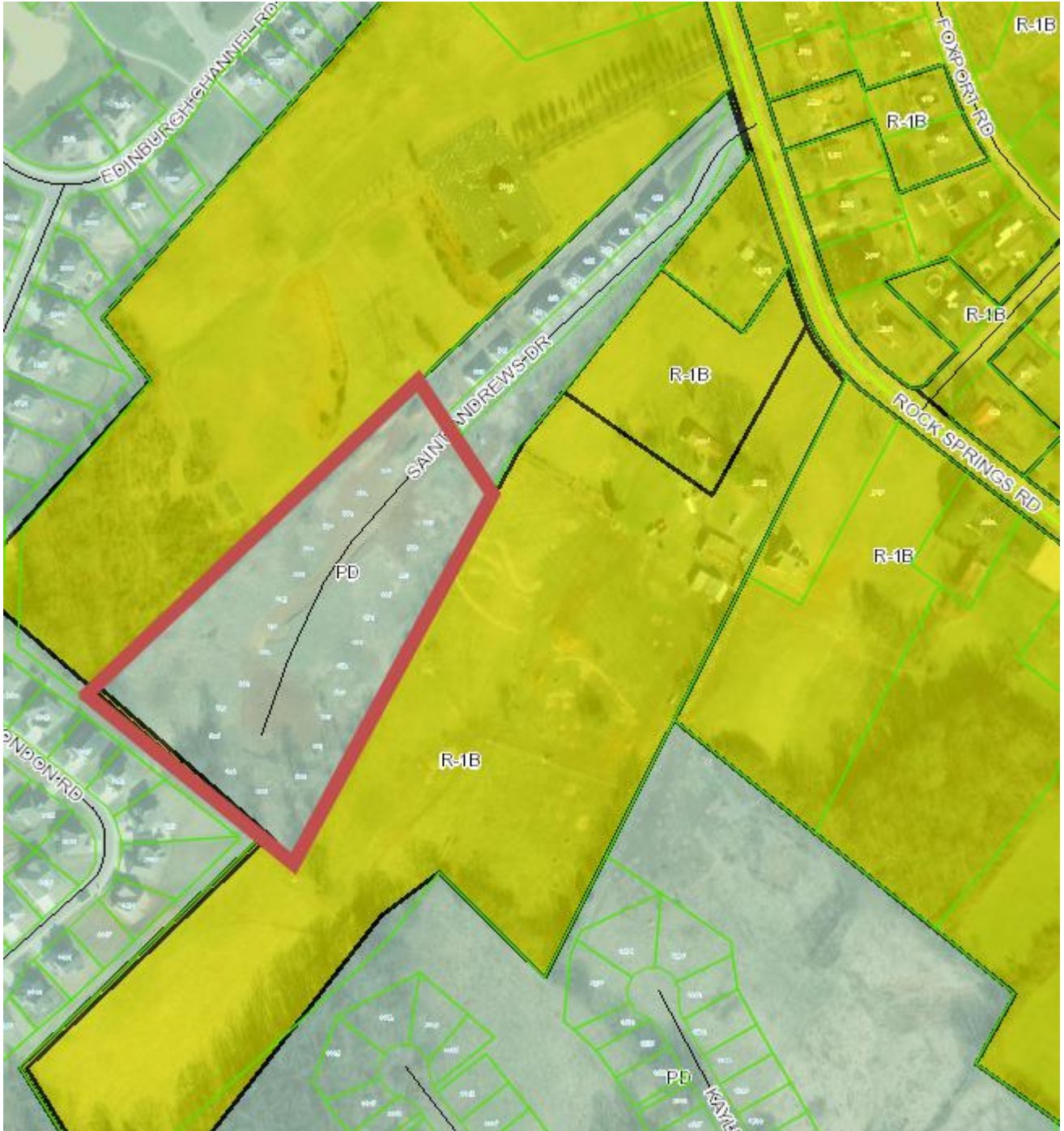
This subdivision bond will replace an existing letter of credit established with the former owner/ developer of the project-site to ensure a smooth transition of project development.

Therefore, staff recommends accepting the new subdivision bond along with the increase penalty rider, submitted and approved in a form acceptable to the City Attorney.

Saint Andrews Garth Phase 2 & 3 Site Plan



Saint Andrews Garth Phase 2 & 3 Zoning



Preliminary Plat

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THIS DOCUMENT IS THE PROPERTY OF ALLEY & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ALLEY & ASSOCIATES, INC.

**LOT ACRES**

#11	0.130 AC.	#24	0.208 AC.
#12	0.098 AC.	#25	0.185 AC.
#13	0.103 AC.	#26	0.149 AC.
#14	0.124 AC.	#27	0.185 AC.
#15	0.134 AC.	#28	0.160 AC.
#16	0.134 AC.	#29	0.160 AC.
#17	0.137 AC.	#30	0.160 AC.
#18	0.111 AC.	#31	0.148 AC.
#19	0.111 AC.	#32	0.148 AC.
#20	0.160 AC.	#33	0.148 AC.
#21	0.146 AC.	#34	0.124 AC.
#22	0.222 AC.	#35	0.109 AC.
#23	0.136 AC.		

**LEGEND**

- AC. ACRE
- P.P. PLAT BOOK
- D.B. DEED BOOK
- [Red Box] 911 ADDRESS
- [Red Box] R.F.T. NOT TO SCALE

**NOTES:**

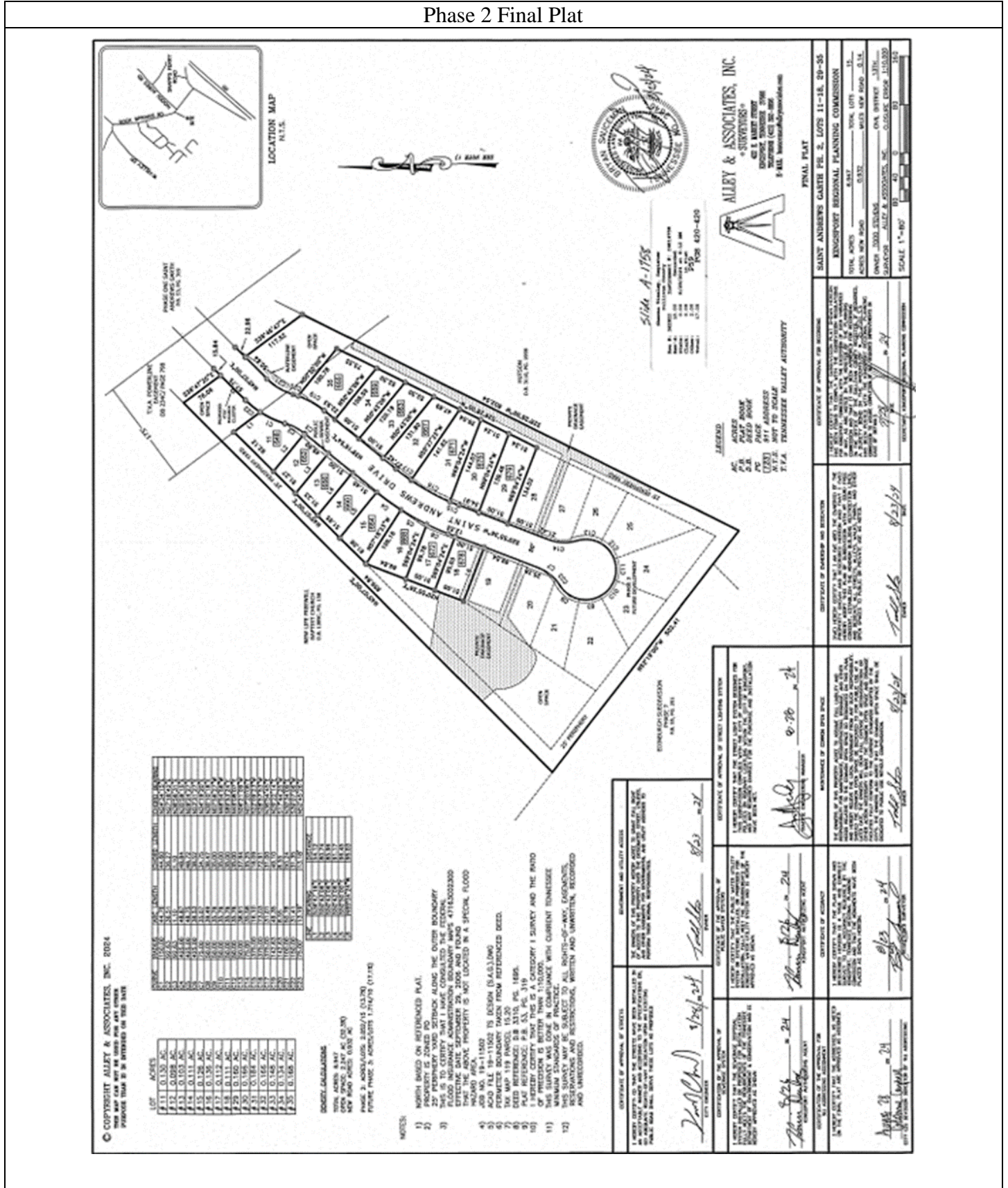
- NORTH BASED ON REFERENCED PLAT.
- PROPERTY IS ZONED PD.
- THE PLAT IS TO BE SET BACK ALONG THE OLD BOUNDARY TO BE DETERMINED BY THE FLOOD INSURANCE ADMINISTRATION BOUNDARY MAPS #1710002000 THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- ACRES ARE 19-11100 TO DESIGN (S.A.C.) LONG.
- PERMETER BOUNDARY TAKEN FROM REFERENCED SETD.
- TAX MAP 119 PANEL 15.20 INC. 1480.
- PLAT REFERENCE P.B. 33, P.C. 319.
- I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION IS BETTER THAN 1:10,000.
- THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

**ALLEY & ASSOCIATES, INC.**  
SURVEYORS  
140 E. MARKET STREET  
KINGSPORT, TENNESSEE 37603  
PHONE: (423) 242-2800  
FAX: (423) 242-2800  
E-MAIL: [info@alleyandassociates.com](mailto:info@alleyandassociates.com)

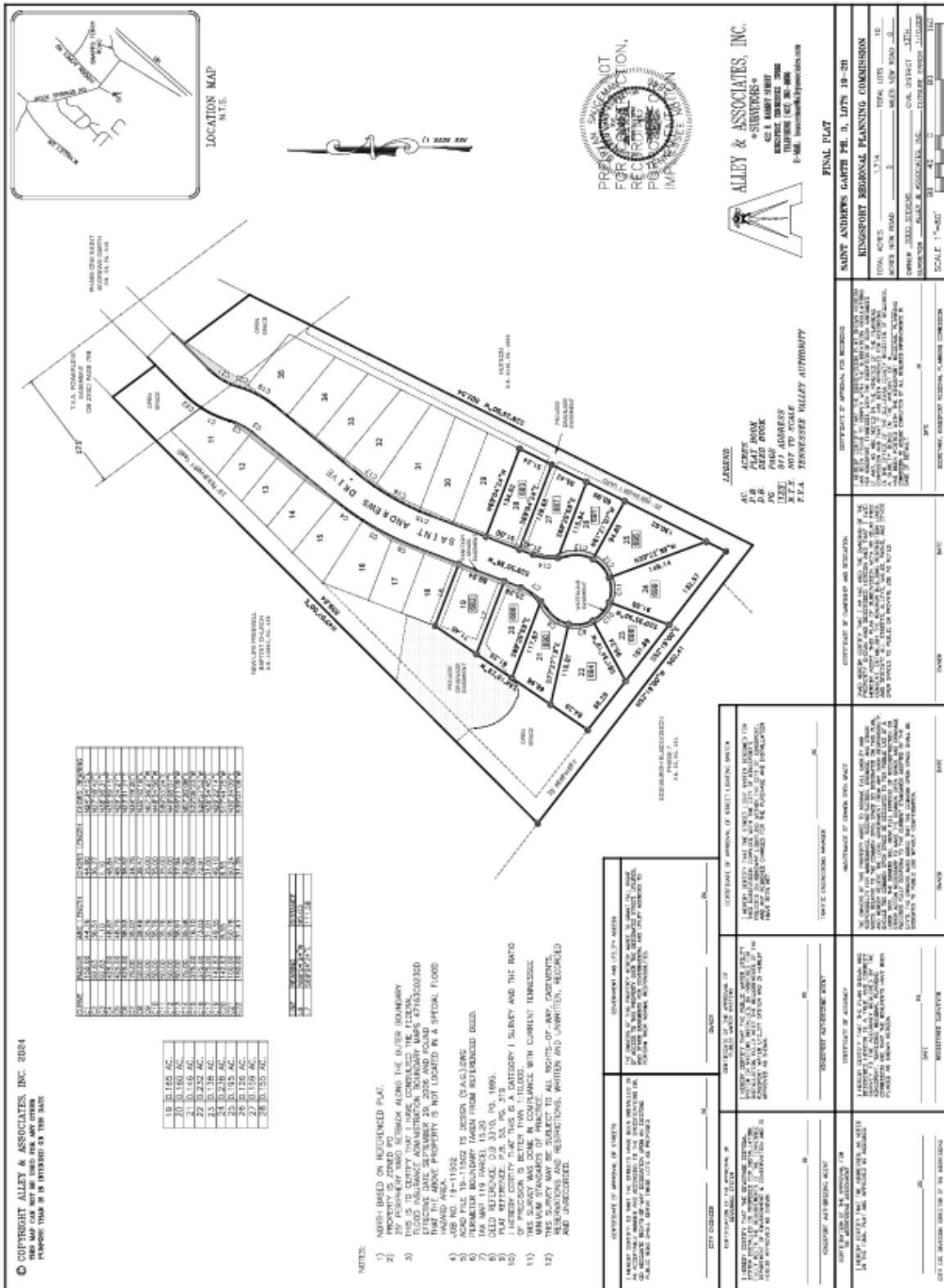
**PRELIMINARY PLAT - SAINT ANDREWS GARTHS P.L. 2 & 3**  
KINGSPORT REGIONAL PLANNING COMMISSION

TOTAL ACRES: 8.147 TOTAL LOTS: 25  
ACRES NEW ROAD: 0.332 ACRES NEW ROAD: 0.332  
OWNER: JESSIE EDWARDS CVA DISTRICT: 11711  
ENGINEER: ALLEY & ASSOCIATES, INC. CVA DISTRICT: 11711  
SCALE: 1"=40'

Phase 2 Final Plat



Phase 3 Final Plat



**Saint Andrews Garth Phase 2 & 3 Eastern View**



IRREVOCABLE LETTER OF CREDIT



8/8/2024

City Treasurer  
City of Kingsport  
415 Broad Street  
Kingsport, Tennessee 37660

RE: Saint Andrews Garth PH.2, Lots 11-18, 29-35  
Letter of Credit

At the request of Todd Stevens, First Horizon Bank hereby opens for the benefit of the City of Kingsport (the "Beneficiary") this irrevocable, standby letter of credit in the amount of \$70,834.50 to secure the Account Party's obligation to construct certain sidewalk improvements at Saint Andrews Garth PH.2, Lots 11-18, 29-35 subdivision, Kingsport, Tennessee, as further described in the Account Party's subdivision application presented to the Kingsport Regional Planning Commission to be completed on or before 5/31/2025 (the "Performance Date").

This letter of credit shall remain open until 5:00 p.m. 8/31/2025, at which time it shall expire.

In the event the Account Party fails to complete the required improvements described above on or before 5/31/2025, you may draw under this letter of credit at sight by presenting to the Bank, the original letter of credit, your written request for payment of such monies as are due by the Account Party together with your written certificate of such non-compliance at any date after the Performance Date but prior to the Expiration Date.

Very truly yours,

First Horizon Bank

By:   
Artie Hall  
Banking Officer



**SUBDIVISION BOND**

Bond No. 9473403

KNOW ALL MEN BY THESE PRESENTS, that we DR Horton, Inc.  
6 Sheridan Square, Suite 200 Kingsport, TN 37660

as Principal, and Fidelity and Deposit Company of Maryland

authorized to do business in the State of TN, as Surety, are held and firmly bound unto City Of Kingsport, TN

as Obligee, in the penal sum of Seventy Thousand Eight Hundred Twenty Four Dollars and Fifty Cents  
(\$ 70,824.50 ) DOLLARS, lawful money of

the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, DR Horton, Inc.  
has agreed to construct in Saint Andrew's Garth Ph. 2

the following improvements: Saint Andrew's Garth Ph. 2 - sidewalks

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed, sealed and dated this 24th day of January, 2025.

DR Horton, Inc.

By: *Elyse Rose* Principal

Fidelity and Deposit Company of Maryland

By: *Noah William Pierce* Attorney-in-Fact  
Noah William Pierce



S-3688/GEEF 2/98

Bond Number: 9473403

Obligee: City Of Kingsport, TN

ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Noah William Pierce, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 10th day of October, A.D. 2023.



ATTEST:  
ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray  
Vice President

By: Dawn E. Brown  
Secretary

State of Maryland  
County of Baltimore

On this 10th day of October, A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Genevieve M. Maison

GENEVIEVE M. MAISON  
NOTARY PUBLIC  
BALTIMORE COUNTY, MD  
My Commission Expires JANUARY 27, 2026



Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790

**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 24th day of January, 2025.



*MJ Pethick*  
By: Mary Jean Pethick  
Vice President

**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:**

Zurich Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056  
[reports@claims@zurichna.com](mailto:reports@claims@zurichna.com)  
800-626-4577

**Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790**

**INCREASE PENALTY RIDER**

BOND AMOUNT \$70,824.50 BOND NO. 9473403

To be attached and form a part of Bond No. 9473403 dated the 24th Day of January, 2025, executed by Fidelity and Deposit Company of Maryland as surety, on behalf of DR Horton, Inc. as current principal of record, and in favor of City Of Kingsport, TN, as Obligee for Saint Andrew's Garth Ph. 2 - sidewalks, and in the amount of Seventy Thousand Eight Hundred Twenty Four Dollars and 50/100 (\$70,824.50).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Fidelity and Deposit Company of Maryland hereby consents that effective from the 24th Day of January, 2025, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE INCREASED:

FROM: Seventy Thousand Eight Hundred Twenty Four Dollars and 50/100 (\$70,824.50)

TO: Seventy Thousand Eight Hundred Thirty Four Dollars and 50/100 (\$70,834.50)

The INCREASE of said bond penalty shall be effective as of the 24th Day of January, 2025, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 6th Day of February, 2025

DR Horton, Inc.  
PRINCIPAL



BY \_\_\_\_\_

Fidelity and Deposit Company of Maryland  
SURETY

BY *Noah William Pierce* \_\_\_\_\_

Noah William Pierce, ATTORNEY-IN-FACT

THE ABOVE BOND IS HEREBY AGREED TO AND ACCEPTED BY:

City Of Kingsport, TN  
OBLIGEE

BY \_\_\_\_\_

TITLE

Bond Number: 9473403

Obligee: City Of Kingsport, TN

ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Noah William Pierce**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland, and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 10th day of October, A.D. 2023.



ATTEST:  
ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray  
Vice President

By: Dawn E. Brown  
Secretary

State of Maryland  
County of Baltimore

On this 10th day of October, A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and said, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Genevieve M. Maison*

GENEVIEVE M. MAISON  
NOTARY PUBLIC  
BALTIMORE COUNTY, MD  
My Commission Expires JANUARY 27, 2025



Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790

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I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

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IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 6th day of February, 2025.



*MJ Pethick*

By: Mary Jean Pethick  
Vice President

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Zurich Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056  
[reportsfclaims@zurichna.com](mailto:reportsfclaims@zurichna.com)  
800-626-4577

**Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790**

**Recommendation:**

Staff recommends accepting the new subdivision bond, submitted and approved in a form acceptable to the City Attorney.