

#### **MEMORANDUM**

To: Kingsport Regional Planning Commission

FROM: LORI PYATTE, PLANNING TECHNICIAN

**DATE: AUGUST 21**ST, 2025

SUBJECT: SURETY BOND EXTENSION FOR ARBOR TOWNHOMES (RIVERBEND)

FILE NUMBER: PD23-0329

The City currently holds a Surety Bond in the amount of \$106,114.26 for Arbor Townhomes (Riverbend). The City Engineering Division has reviewed the existing estimate to cover the cost of the required improvements to meet the Minimum Subdivision Regulations for the final plat of Arbor Townhomes (Riverbend). The estimate remains unchanged in for the amount \$106,114.26.

The Surety Bond will have an approval expiration date of September 11<sup>th</sup>, 2026. The Surety Bond states that the improvements will be completed on or before the Performance Date, which is set to June 11<sup>th</sup>, 2026.

Staff Recommends extension of the Surety Bond approval in the amount of \$106, 114.26 as calculated by the City Engineering Division, to cover all remaining improvements for Arbor Townhomes (Riverbend).

#### BOND ESTIMATE Part 2 Riverbend Townhomes (Arbor Townhomes)

**September 17, 2024** 

FILE NO. 2023-D23

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	U	NIT COST	TO	OTAL COST
Sidewalks							
7	4,370	S.F.	6" Sidewalk, 6' Wide w/ (6" Base Stone and Spray-Lok)	\$	20.00	\$	87,400.00
8	4	EA	Truncated Dome Mats	\$	283.60	\$	1,134.40
9	4	EA	Concrete Curb Ramps	\$	1,039.50	\$	4,158.00
				SUBT	OTAL	\$	92,692.40
			CONTINGENCIES (6%)			\$	5,561.54
						\$	98,253.94
			CONSTRUCTION CONTRACT ADMINISTRATION & INSPECTION (8%)			\$	7,860.32
				SIDE	WALK TOTAL	\$	106,114.26
	<u>!</u>	Notes:	As-Built estimate, Video and Water Testing is if C.O.K. installs infrastructure - Developer shall provide As-Built drawings, Videos and any Testing before any Utilities installed by others will be accepted by the City.				
					Septembe	er 17,	2024
	ret Burton Engineer l	]	•		Date		
City o	of Kingspo	rt					



### **SUBDIVISION BOND**

		Bond No. 9.	465135
KNOW ALL MEN BY TH	IESE PRESENTS, that we DR	Horton	
6 Sheridan Square, Suite 200	Kingsport, TN 37660		
as Principal, and Fidelity and	Deposit Company of Marylar	nd	
authorized to do business in the	State of TN	, as Surety, are held and firmly	y bound unto
City Of Kingsport, TN			
as Obligee, in the penal sum of	One Hundred Six Thousand	One Hundred Fourteen Dollars and 1	wenty Six Cents
		(\$ <u>106,114.26</u> ) DC	DLLARS, lawful money of
the United States of America,	for the payment of which wel	il and truly to be made, we bind oursel	ves, our heirs, executors,
administrators, successors and a	ssigns, jointly and severally, fi	rmly by these presents.	
WHEREAS, DR Horton	-		
has agreed to construct in The	Arbor (FKA Riverbend Townl	homes)	
the following improvements: _TI	he Arbor (FKA Riverbend Tov	vnhomes) - Sidewalks	
NOW, THEREFORE, TH	HE CONDITION OF THIS	OBLIGATION IS SUCH, that if t	the said Principal shall
construct, or have constructed,	the improvements herein descr	ribed and shall save the Obligee harmle	es from any loss, cost or
		his obligation shall be null and void; of	•
orce and effect.	•	*	
Signed, sealed and dated this	13th day of	November , 2024	
_			<del>_</del>
		DR Horton	
		Br. Elizabeth Do	Principal
		25.	
	animalian Company	Fidelity and Deposit Company of N	Maryland
	ORPORA STATE	The with	•
	SEAL MAN	Noah William Pierce	Attorney-in-Fact
3689/GEEF 2/98	SEAL MAN		

Bond Number: 9

9465135

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, deposeth 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 Scal the day and year first above written.

Genevieve M. Maison

GENEVIEVE M. MAISON NOTARY PUBLIC BALTIMORE COUNTY: MD My Commission Expires JANUARY 27, 2026 OTA O ON ONE COM

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

"Article V, Section 8, <u>Attorneys-in-Fact</u>. 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 of 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 13th day of November, 2024,

SEAL DO

SEAL OF THE PROPERTY OF THE PR

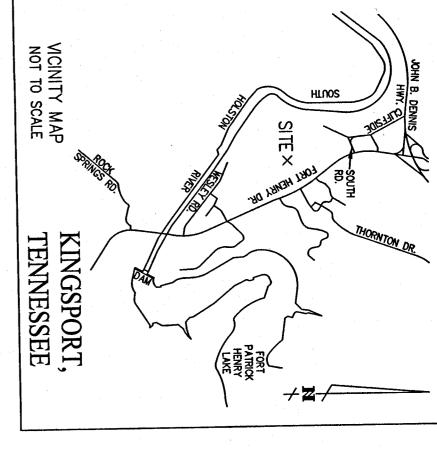
SEAL SEAL

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 reportsfclaims@zurichna.com 800-626-4577



# NOTES:

- OWNER/DEVELOPER: LAND STAR DEVELOPMENT, LLC., 367 HOG HOLLOW ROAD, JOHNSON CITY, TENNESSEE 37615. PROPERTY REFERENCE: BEING A PORTION OF THE PROPERTY CONVEYED IN BOOK 3518, PAGE 1327 AND BEING LOT 7, "PROPERTY OF FIRST SOUTHEAST DEVELOPMENT, LLC., PLAT BOOK P58, PAGE 271. TM NO. 077H C 002.30
- TOTAL ACREAGE OF SURVEYED PROPERTY IS 6.954 ACRES.
- TOTAL DISTURBED ACREAGE: 5.40 ACRES.
- CURRENT AND PROPOSED ZONING: KINGSPORT, TENNESSEE PLANNED DEVELOPMENT DISTRICT (PD). SETBACKS: PERIMETER-25'.
- THE SURVEYED PROPERTY IS SHOWN AS BEING IN "OTHER AREAS ZONE X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE, MAP NUMBER 47163C0045D, EFFECTIVE DATE SEPTEMBER 29, 2006.
- ALL WATER LINE EASEMENTS SHALL BE PUBLIC AND DEDICATED TO THE CITY OF KINGSPORT.
- F SANITARY SEWER EASEMENTS SHALL BE PUBLIC AND DEDICATED TO THE CITY OF KINGSPORT.
- DRAINAGE EASEMENTS SHALL BE PRIVATE AND DEDICATED TO THE SUBDIVISION HOMEOWNERS ASSOCIATION. STORMWATER OUTSIDE OF PUBLIC ROW ARE TO BE PRIVATELY OWNED, OPERATED, AND MAINTAINED.
- 48" CMP STORM SEWER LOCATIONS SCALED FROM A PLAN OF "RIVERBEND EPCON PHASE 1" BY EDWARDS ENGINEERING. PLLC. WITH A REVISION DATE OF 9/10/09 AND PROVIDED BY THE CITY OF KINGSPORT ENGINEERING DEPARTMENT.
- <u></u> UNDERGROUND ELECTRICAL UNITS AND COMMUNICATION LOCATIONS ESTIMATED FROM A PLAN OF CIVIL SITE PLANS RIVERBEND COMMERCIAL PROJECT — ROAD 'B' BY HIGHLANDS ENGINEERING, LLC WITH A DATE OF 5/6/15.
- = THE HOMEOWNER ASSOCIATION WILL BE RESPONSIBLE FOR MAINTAINING OPEN SPACE & COMMON AREA.
- THE ENTIRE DEVELOPMENT WILL BE CONSTRUCTED IN ONE PHASE.
- AREAS AND DENSITY:
- TOTAL DEVELOPMENT 6.954 ACRES

RIGHT OF WAY - 0.804 ACRES

TOTAL DEVELOPMENT AREA MINUS RIGHT OF WAY - 6.150 ACRES USEABLE 1025 SQUARE FEET EACH (1.059 AC. TOTAL)

FORTY FIVE UNITS (INCLUDING PORCHES) -

45 UNITS DIVIDED BY 6.150 ACRES EQUALS 7.32 UNITS/ACRE REQUIRED OPEN SPACE FOR 8 UNITS/ACRE - 35% OPEN SPACE (USEABLE AREA MINUS UNITS WITH A 25' BUFFER) - 3.494 ACRES 3.494 AC. (OPEN SPACE) DIVIDED BY 6.150 AC (USEABLE) EQUALS 57% OPEN SF

3.494 AC. (OPEN SPACE) DIVIDED BY 6.150 AC (USEABLE) EQUALS 57% OPEN SPACE THE UNITS ARE UNITS AND NOT INDIVIDUAL LOTS.

- OVERALL LENGTH IN STREET -760.98
- OVERALL LENGTH IN RIGHT OF WAY 766.65.
- 6.
- 17. RADIUS OF THE CUL-DE-SAC PAVEMENT IS 42.5' RADIUS OF THE CUL-DE-SAC RIGHT RIGHT OF WAY IS 50'.

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- 19. TWO PARKING SPOTS ARE PROVIDED FOR EACH UNIT. (ONE EACH IN THE DRIVEWAY AND GARAGE OF EACH UNIT). TOTAL NUMBER OF UNITS IS 45.
- THE SANITARY SEWER EASEMENT RECORDED AT PB 55 PAGE 154 HAS BEEN ABANDONED PER CITY OF KINGSPORT ORDINANCE NO. 7142.

## The Arbor Final Town Homes Plat of

11th Date: 2-3-25 By: Larry D. Culbertson RLS Civil District, Sullivan Co., Date: 2-3-25 ₹

Culbertson Surveying P.O. Box 190 Nicklesville, VA 24271 Ph. 276–439–3093

insley, Register
Sullivan County
Instrument #: 25002078
Recorded
'7025 at 10:27 AM
Plat 300 45.00 0.00 2.00 47.00 p59 PGS 561-563

SII A- 1793



PROPOSED CONCRETE MONUMENT EXISTING FIRE HYDRANT DESIGNATED HANDICAP PARKING SPACE EXISTING TELEPHONE PEDESTAL SANITARY SEWER MANHOLE: EXISTING, PROPOSED PROPOSED STORM DRAIN MANHOLE PROPOSED STORM DRAIN MANHOLE PROPOSED WATER METER PROPOSED WATER LOCATED (GENERAL DIRECTION IS SHOWN) HOUSE NUMBER EXISTING STORM STRUCTURE & DRAIN PIPE EXISTING WATER LINE PROPOSED WATER LINE PROPOSED WATER LINE EXISTING UNDERGROUND ELECTRIC LINE EXISTING UNDERGROUND TELECOMMUNICATIONS LINE EXISTING FENCE LINE EXISTING FENCE LINE IRON PIN FOUND, UNLESS NOTED OTHERWISE IRON PIN SET	)	0	•	*	nc	Julie		S	——(SIZE)W——	W	SD	<del>(SIZE) -SD</del>	<u>##11</u>	~	•00		0	(S)	8	<b>₽</b> *	<b>ф</b> -	<b>⊠</b>	
	CALCIII ATEN POINT	IRON PIN SET	IRON PIN FOUND, UNLESS NOTED OTHERWISE	EXISTING FENCE LINE			PROPOSED 8" SANITARY SEWER LINE	EXISTING SANITARY SEWER LINE	PROPOSED WATER LINE	EXISTING WATER LINE	PROPOSED STORM STRUCTURE & DRAIN PIPE	EXISTING STORM STRUCTURE & DRAIN PIPE	HOUSE NUMBER			PROPOSED WATER METER	PROPOSED STORM DRAIN MANHOLE	SANITARY SEWER MANHOLE: EXISTING, PROPOSED		DESIGNATED HANDICAP PARKING SPACE	EXISTING FIRE HYDRANT	PROPOSED CONCRETE MONUMENT	

DATE CITY GIS DIVISION OR SULLIVAN COUNTY DIRECTOR OF 911
ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE CERTIFICATE OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT I HEREBY CERTIFY THAT THE ADDRESSES, AS NOTED ON THE FINAL PLAT, ARE APPROVED AS ASSIGNED. I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN. TENNESSEE DEPARTMENT OF ENVIRONMENT & OR KINGSFORT AUTHORIZING AGENT DATE CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE KINYSTEM AND IS HEREBY APPROVED AS SHOWN. CERTIFICATION OF APPROVAL OF PUBLIC WATER I HEREBY CERTIFY (1) THAT CONSTRUCTION PLANS HAVE BEEN APPROVED; OR (2) STORM WATER SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEET CITY OF KINGSPORT REQUIREMENTS. CERTIFICATION OF THE APPROVAL OF STORMWATER SYSTEM DATE AUTHORIZANG AGENT I HEREBY CERTIFY (1) THAT TOTAL CUMULATIVE LAND DISTURBANCE FOR ALL LOTS IS LESS THAN ONE (1) ACRE AS SHOWN; (2) NO PUBLIC STOMWATER IMPROVEMENTS ARE PROPOSED 22 428 Ž 29 4,2025 7025 7025 CONSERVATION Jeg 2025 SYSTEM DATE I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE KINGSPORT, TENNESSEE REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON. I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACE TO PUBLIC OR PRIVATE USE AS NOTED. CERTIFICATE OF TRAFFIC ENGINEERING MANAGER DATE I HEREBY CERTIFY: (1) THAT STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS, OR (2) ADEQUATE RIGHTS-OF-WAY DEDICATION UPON AN EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED. REGISTERED SURVEYOR 2-3-25 DATE OWNER Sullimed DATE I HEREBY CERTIFY THAT THE STREET LIGHT SYSTEM DESIGNED FOR THIS SUBDIVISION COMPLIES WITH THE CITY OF KINGSPORT'S POLICIES ON ROADWAY LIGHTING WITHIN THE CITY OF KINGSPORT, AND ANY REQUIRED CHARGES FOR THE PURCHASE AND INSTALLATION HAVE CITY ENGINEER OR COUNTY ROAD COMMISSIONER DATE CERTIFICATION OF THE APPROVAL DERTIFICATION OF THE 2-3-2025 ACCURACY APPROVAL OF STREETS STREET LIGHTING SYSTEM

SECRETARY, KINGSPORT/MUNICIPAL/REGIONAL PLANNING COMMISSION	DATE 2/5/2026	COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECOMMING IN THE SULLIVAN COUNTY REGISTER. IF REQUIRED, A THE OFFICE OF THE SULLIVAN COUNTY REGISTER. IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$ 1/8, 7/46, 7/6 HAS BEEN POSTED WITH THE KINGSPORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED AMPROVEMENTS IN CASE OF DEFAULT.	I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HERE HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IT ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING IN	CERTIFICATE OF APPROVAL FOR RECORDING

SEC. 114-304 PART 13 B AND C:

B. GOVERNMENT AND UTILITY ACCESS. THE OWNERS OF THIS PROPERTY HEREBY AGREE TO GRANT FULL RIGHTS OF ACCESS TO THIS PROPERTY OVER THE DESIGNATED STREET UTILITIES, AND OTHER EASEMENTS FOR GOVERNMENTAL AND UTILITY AGENCIES TO PERFORM THEIR NORMAL RESPONSIBILITIES.

C. MAINTENANCE OF COMMON OPEN SPACE. THE OWNERS OF THIS PROPERTY AGREE TO ASSUME FULL LIABILITY AND RESPONSIBILITY FOR MAINTENANCE, RECONSTRUCTION, DRAINAGE, AND OTHER NEEDS RELATIVE TO THE COMMON OPEN SPACE SO DESIGNATED ON THIS PLAN, AND TO THE COMMON OPEN SPACE BE DEDICATED FOR RESPONSIBILITY. SHOULD THE COMMON OPEN SPACE BE DEDICATED FOR PUBLIC USE AT A LATER DATE, THE OWNERS WILL BEAR FULL EXPENSE OF RECONSTRUCTION OR OTHER ACTION NECESSARY TO MAKE THE COMMON OPEN SPACE AND DRAINAGE FACILITIES FULLY CONFORM TO THE CURRENT STANDARDS ADOPTED BY THE CITY'S. THE OWNERS ALSO AGREE THAT THE COMMON OPEN SPACE SHALL BE DEDICATED TO PUBLIC USE WITHOUT COMPENSATION.

OWNER

5202

Plat P59 Page 561

CERTIFICATION OF OWNERSHIP AND DEDICATION

Plat P59 Page 562

Plat P59 Page 563