



DATE: July 26, 2022
TO: Planning Commission
FROM: Micah Wood, Planning Director
Andrew Mills, Town Attorney
Will Owen, Town Engineer
SUBJECT: **Item 2a- Release of MBSC TN Homebuilder, LLC / Tollgate Village Subdivision Sureties**

This memorandum provides an overview of the release of long-held bonds in Tollgate held by MBSC TN Homebuilder, LLC ("MBSC") for Sections 1 through 17 in the Tollgate Village Subdivision.

Background

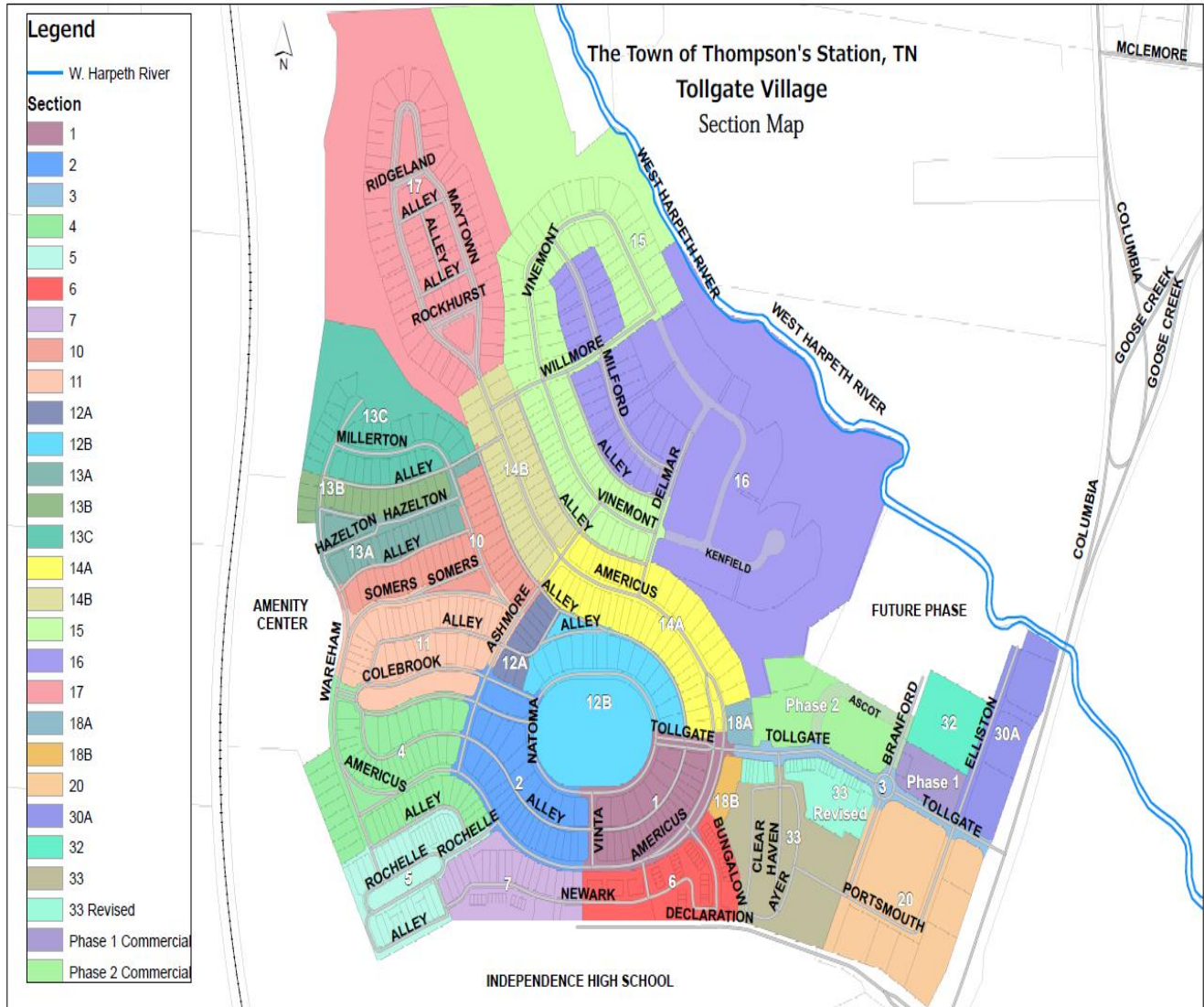
In late 2019, Town Staff began a review of the long-held bonds and sureties within the Town. These were identified as bonds and sureties in existing subdivisions that have not achieved the final dedication approval for meeting the Town's specifications for construction on the required public improvements. As part this analysis process, Town Staff focused efforts on the longest held sections, which were all located in the Tollgate Subdivision. A Tollgate section map is provided on page 2 of this memorandum, and a section-by-section breakdown follows on pages 3-6.

The developer has completed the items identified in the Tollgate Punchlist and has satisfied the requirements of the Forbearance Agreement. In addition, the Engineer of Record has certified all public improvements have been installed according to approved plans and per Town standards. Town Staff and the Town Engineer have reviewed the work on the public improvements and agree with the Engineer of Record's certifications. Therefore, these bonds may be released and/or new Maintenance Bonds established, as is described per Section in this memo. The Planning Commission, in lieu of a section by section action can group the action into full release for Sections 1-13 (this includes north access, Section 30 (Elliston Way) and Main Entrance Improvement per the Ragan Smith request memo) and release from Performance to Maintenance for Sections 14-17.

Staff Recommendation:

The Planning Commission should review each section individually and then provide a recommendation on to the Board of Mayor and Aldermen to:

- Release the Maintenance Bonds for Sections 1-13 with a contingency that As-builts be provided to the Town and recommend that BOMA accept dedication of these public improvements.
- Establish Maintenance Bonds for 1-year for the following:
 - Tollgate Section 14A RDEC Maintenance Bond in the amount of \$90,000
 - Tollgate Section 14B RDEC Maintenance Bond in the amount of \$80,000
 - Tollgate Section 15 RDEC Maintenance Bond in the amount of \$60,000
 - Tollgate Section 16 RDEC Maintenance Bond in the amount of \$70,000
 - Tollgate Section 17 RDEC Maintenance Bond in the amount of \$70,000





Tollgate Section 1

Section 1 (to be differentiated from 1A, which is owned by Regents) is located along the southern portion of Americus Drive and Natoma Circle, both south of Tollgate Boulevard. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 2

Section 2 (to be differentiated from 2A or 2B, which is owned by Regents) is located along the southern portion of Americus Drive and Natoma Circle, both south of Lake Jackson. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 3

Section 3 includes Tollgate Boulevard from Columbia Pike to the intersection with Americus Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 4

Section 4 is located in the southwestern section of Tollgate along Rochelle Drive and Americus Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 5

Section 5 is located in the southwestern corner of Tollgate along Rochelle Avenue. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.



Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 6

Section 6 is located along the southern edge of Tollgate along Newark Lane. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 7

Section 7 is located along the southern edge of Tollgate along Newark Lane. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 10

Section 10 is located along Millerton Way and Somers Lane. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 11

Section 11 is located along Wareham Drive, Colebrook Drive, and Somers Lane. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 12

Section 12 (includes sections 12A and 12B) is located along Natoma Circle north of Lake Jackson, and



along Ashmore Drive and Colebrook Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 13A

Section 13A is located along the south side of Hazelton Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 13B

Section 13B is located along the north side Hazelton Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 13C

Section 13C is located along Millerton Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed.

Staff recommendation: Release the Maintenance Bond and recommend BOMA accept dedication of this public improvement.

Tollgate Section 14A

Section 14A is located along Americus Drive north of Tollgate Boulevard. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed. The new paving in this section requires establishment of a Maintenance Bond for 1-year.

Staff recommendation: Release the Performance Bond, establish a Maintenance Bond in the amount of \$90,000 and recommend BOMA accept this public improvement.



Tollgate Section 14B

Section 14B is located along Americus Drive north of Tollgate Boulevard. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed. The new paving in this section requires establishment of a Maintenance Bond for 1-year.

Staff recommendation: Release the Performance Bond, establish a Maintenance Bond in the amount of \$80,000 and recommend BOMA accept this public improvement.

Tollgate Section 15

Section 15 is located along Vinemont Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed. The new paving in this section requires establishment of a Maintenance Bond for 1-year.

Staff recommendation: Release the Performance Bond, establish a Maintenance Bond in the amount of \$60,000 and recommend BOMA accept this public improvement.

Tollgate Section 16A

Section 16A is located along Delmar Drive and Milford Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed. The new paving in this section requires establishment of a Maintenance Bond for 1-year.

Staff recommendation: Release the Performance Bond, establish a Maintenance Bond in the amount of \$70,000 and recommend BOMA accept this public improvement.

Tollgate Section 17

Section 17 is located along Maytown Circle, Rockhurst Drive, and Ridgeland Drive. Per the Engineer of Record & the Town Engineer, all public improvements in the section have been completed. The new paving in this section requires establishment of a Maintenance Bond for 1-year.

Staff recommendation: Release the Performance Bond, establish a Maintenance Bond in the amount of \$70,000 and recommend BOMA accept this public improvement.