



City of Green River  
 City Council Meeting  
 Agenda Documentation

Preparation Date: 11/30/2016	Department: Community Development
Meeting Date: 12/6/2016	Department Head: Laura Leigh Profaizer
	Presenter: Laura Leigh Profaizer

**Subject:**

*Consideration of a Resolution to accept the control and maintenance of completed improvements installed within the Lynn Subdivision and acceptance of a One Year Maintenance Bond.*

**Background/Alternatives:**

*Lynn Subdivision is a new 18 lot subdivision in the City of Green River that was approved by the Governing Body on December 15, 2015, located on the old Lincoln School Property. Along with the subdivision acceptance, the City accepted a Standby Letter of Credit, Number 5091756, issued by RSNB, in the amount of \$498,546.28 to guarantee the installation of the subdivision improvements.*

*In accordance with the City's Subdivision Ordinance - Appendix C, Section 9.b., all improvements shall be completed within twenty-four (24) months from the date of the guarantee or commitment accepted by the City, which in this case would be December 15, 2017. Section 9.c.(11) further states that the Council shall, upon the final approval of the Director of Public Works, accept the maintenance of the appropriate public improvements and that the developer shall provide a one year warranty on the construction from the time of acceptance by the City in the form of a maintenance bond.*

*Mark Westenskow, Public Works Director, has inspected the public improvements installed to date within the Lynn Subdivision and has determined that the majority of the subdivision improvements are complete and may be accepted by the City Council at this time. There are, however, some outstanding incomplete items that will need to be conditioned, as outlined in the Resolution, as follows:*

- Item #1: Repair of the damaged sidewalk from truck access adjacent to Lot 18. This shall be repaired prior to issuance of a Certificate of Occupancy for Lot 18, or by December 15, 2017, whichever occurs first.*
- Item #2: Filling of the rough joints at the transition from the old to new concrete sidewalk and curb & gutter. This shall be completed prior to December 15, 2017.*
- Item #3: Installation of the sidewalk along Lynn Court. The Engineering Division will conduct an inspection of the sidewalk, curb, and gutter in front of each property prior to the issuance of a Certificate of Occupancy. All identified damage,*

defects, cracks, poor finishing, etc. shall be repaired/replaced prior to acceptance. This shall be completed prior to issuance of a Certificate of Occupancy for each adjacent lot. All areas shall be completed by December 15, 2017.

- Item #4: Installation of buffalo boxes (curb box) must be installed in the new sidewalk for the new curb stops. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot. All areas shall be completed by December 15, 2017.
- Item #5: The curb stop must be operable and without defect as determined by the Green River Utilities Division. Verify operation of new curb stops once sidewalks and buffalo boxes (curb boxes) are installed. The Green River Utilities Division will not issue a water meter for the given property until the curb stop function is verified. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot. All areas shall be completed by December 15, 2017.
- Item #6: Backfill power utility trenches. To be completed by December 15, 2017.
- Item #7: Replace manhole ring and cover in North 7<sup>th</sup> West to the correct size. To be completed by December 15, 2017.
- Item #8: Remove wood from storm inlet. To be completed by December 15, 2017.
- Item #9: Grout interior of storm inlet. To be completed by December 15, 2017.
- Item #10: Remove and cap water blow-off hydrant (at West 3<sup>rd</sup> North and North 6<sup>th</sup> West). To be completed by December 15, 2017.
- Item #11: Remove irrigation vault and service (West 3<sup>rd</sup> N and North 5<sup>th</sup> West). To be completed by December 15, 2017.
- Item #12: Remove debris from gutter (North 5<sup>th</sup> West). To be completed by December 15, 2017.
- Item #13: Repair curb and gutter damaged by truck access (North 5<sup>th</sup> West). To be completed by December 15, 2017.
- Item #14: Fire hydrant shall be painted white. To be completed by December 15, 2017.
- Item #15: Replace bent hydrant nozzle. To be completed by December 15, 2017.
- Item #16: Install missing hydrant dirt shield. To be completed by December 15, 2017.
- Item #17: Verify operation of street lighting. To be completed by December 15, 2017.
- Item #18: Install driveway curb cuts for Lots 9 and 10. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot, or by December 15, 2017, whichever occurs first.

*Item #19: The retaining wall for Lots 11 & 12 will be designed and completed prior to issuance of a Certificate of Occupancy for each corresponding lot.*

*Item #20: All inspection/certification documents, including As-Built Drawings of all installed system components, shall be submitted to the Public Works Director in accordance with Section 9.d. of the Green River Subdivision Ordinance. To be completed by December 15, 2017.*

*If any of these items are completed prior to the City Council Meeting on December 6, 2016, a revised Resolution will be presented to the council.*

*It shall be further noted that \$50,000 of Standby Letter of Credit Number 5091756, issued by RSNB, shall be retained to guarantee the installation of the remaining items outlined in 1-20 above. The remainder of Standby Letter of Credit Number 5091756, in the amount of \$74,636.57, may be released at this time.*

*As noted above, and as outlined in the Subdivision Improvement Agreement, the security for the warranty period shall be 25% of the of the total amount of the improvements being accepted, for a period of twelve (12) months from the date of acceptance of the improvements by the City Council. The original Letter of Credit was issued in the amount of \$498,546.28. As part of this Resolution, \$448,546.26 worth of the improvements are being accepted (the original cost minus the remaining \$50,000).*

*Therefore, at this time, the Maintenance Bond shall be in the amount of \$112,136.57 (25% of \$448,546.26). New Peak Land Development, LLC, has meet this requirement by the submitting a One Year Maintenance Bond Letter of Credit, Number 5091756MAINT, issued by RSNB, in the amount of \$112,136.57. The Maintenance Bond commences on December 6, 2016 and expires on December 6, 2017. Defective items shall be repaired or replaced prior to December 6, 2017.*

*After the completion of the remaining \$50,000 in improvements, the remaining improvements will be inspected and accepted in a separate Resolution. Prior to the release of the remaining \$50,000 from Standby Letter of Credit Number 5091756, an additional one year warranty in the form of a Maintenance Bond, in the amount of \$12,500 (25% of \$50,000), will be required. Said additional warranty will commence on the date of the council acceptance of the remaining items and will expire one year from the date of said council acceptance of the remaining items.*

**Attachments:**

*Resolution*

**Fiscal Impact:**

*N/A*

**Staff Impact:**

N/A

**Legal Review:**

*Approved*

**Suggested Motion:**

*I move to approve the Resolution accepting the control and maintenance of the completed improvements installed within the Lynn Subdivision, as conditioned within the Resolution, releasing \$74,636.57 of Standby Letter of Credit Number 5091756, and accepting the one year warranty in the form of a One Year Maintenance Bond Letter of Credit, Number 5091756MAINT, issued by RSNB, in the amount of \$112,136.57 to guarantee the completed improvements, for one year from the date of acceptance.*

RESOLUTION NO. R16-33

A RESOLUTION ACCEPTING AND APPROVING THE IMPROVEMENTS INSTALLED IN THE LYNN SUBDIVISION OF THE CITY OF GREEN RIVER, SWEETWATER COUNTY, WYOMING, AND ACCEPTING A ONE YEAR MAINTENANCE BOND, FOR THE ACCEPTED IMPROVEMENTS, PURSUANT TO THE PROVISIONS OF GREEN RIVER CODE OF ORDINANCE, APPENDIX C, SECTION 9.c.(11).

WHEREAS, Lynn Subdivision is an approved subdivision located in the City of Green River; and,

WHEREAS, on December 15, 2015 the Governing Body of the City of Green River accepted a Standby Letter of Credit in the amount of \$498,546.28 to guarantee the installation of the subdivision improvements required under the Green River Code of Ordinances, Appendix C, Section 9; and,

WHEREAS, New Peak Land Development, LLC, has installed within the Lynn Subdivision, all improvements required under the Green River Code of Ordinances, Appendix C, Section 9, with the exception of the following:

- Item #1: Repair of the damaged sidewalk from truck access adjacent to Lot 18. This shall be repaired prior to issuance of a Certificate of Occupancy for Lot 18, or by December 15, 2017, whichever occurs first.
- Item #2: Filling of the rough joints at the transition from the old to new concrete sidewalk and curb & gutter. This shall be completed prior to December 15, 2017.
- Item #3: Installation of the sidewalk along Lynn Court. The Engineering Division will conduct an inspection of the sidewalk, curb, and gutter in front of each property prior to the issuance of a Certificate of Occupancy. All identified damage, defects, cracks, poor finishing, etc. shall be repaired/replaced prior to acceptance. This shall be completed prior to issuance of a Certificate of Occupancy for each adjacent lot. All areas shall completed by December 15, 2017.
- Item #4: Installation of buffalo boxes (curb box) must be installed in the new sidewalk for the new curb stops. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot. All areas shall completed by December 15, 2017.
- Item #5: The curb stop must be operable and without defect as determined by the Green River Utilities Division. Verify operation of new curb stops once sidewalks and buffalo boxes (curb boxes) are installed. The Green River

Utilities Division will not issue a water meter for the given property until the curb stop function is verified. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot. All areas shall be completed by December 15, 2017.

- Item #6: Backfill power utility trenches. To be completed by December 15, 2017.
- Item #7: Replace manhole ring and cover in North 7<sup>th</sup> West to the correct size. To be completed by December 15, 2017.
- Item #8: Remove wood from storm inlet. To be completed by December 15, 2017.
- Item #9: Grout interior of storm inlet. To be completed by December 15, 2017.
- Item #10: Remove and cap water blow-off hydrant (at West 3<sup>rd</sup> North and North 6<sup>th</sup> West). To be completed by December 15, 2017.
- Item #11: Remove irrigation vault and service (West 3<sup>rd</sup> N and North 5<sup>th</sup> West). To be completed by December 15, 2017.
- Item #12: Remove debris from gutter (North 5<sup>th</sup> West). To be completed by December 15, 2017.
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- Item #14: Fire hydrant shall be painted white. To be completed by December 15, 2017.
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- Item #17: Verify operation of street lighting. To be completed by December 15, 2017.
- Item #18: Install driveway curb cuts for Lots 9 and 10. This shall be completed prior to issuance of a Certificate of Occupancy for each corresponding lot, or by December 15, 2017, whichever occurs first.
- Item #19: The retaining wall for Lots 11 & 12 will be designed and completed prior to issuance of a Certificate of Occupancy for each corresponding lot.
- Item #20: All inspection/certification documents, including As-Built Drawings of all installed system components, shall be submitted to the Public Works Director in accordance with Section 9.d. of the Green River Subdivision Ordinance. To be completed by December 15, 2017.

WHEREAS, \$50,000 of Standby Letter of Credit Number 5091756, issued by RSNB, shall be retained to guarantee the installation of the remaining items outlined in Items 1-20 listed above. The remainder of Standby Letter of Credit Number 5091756, in the amount of \$74,636.57, may be released at this time. The portion of the Standby Letter of Credit corresponding to any items not completed by December 15, 2017 shall be forfeited to the City.

WHEREAS, a one year warranty on the completed improvements installed in the Lynn Subdivision has been provided by New Peak Land Development, LLC, in the form of a One Year Maintenance Bond Letter of Credit, Number 5091756MAINT, issued by RSNB, in the amount of \$112,136.570, as a warranty for the completed improvements, commencing on December 6, 2016 and expiring on December 6, 2017. Defective items shall be repaired or replaced prior to December 6, 2017.

WHEREAS, after the completion of the remaining \$50,000 in improvements, the remaining improvements will be inspected and accepted in a separate Resolution. Prior to the release of the remaining \$50,000 from Standby Letter of Credit Number 5091756, an additional one year warranty in the form of a Maintenance Bond, in the amount of \$12,500 (25% of \$50,000), will be required. Said additional warranty will commence on the date of the council acceptance of the remaining items and will expire one year from the date of said council acceptance of the remaining items.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREEN RIVER, STATE OF WYOMING:

Section 1. That the improvements installed in the Lynn Subdivision of the City of Green River, Sweetwater County, Wyoming, are hereby accepted and approved by the Governing Body of the City of Green River, Wyoming, excluding Items 1-20 listed above.

Section 2. That the City of Green River, Sweetwater County, Wyoming hereby accepts control and maintenance of the same pursuant to the provisions of the Green River Code of Ordinances, Appendix C, Section 9.c.(11).

Section 3. That the City of Green River, Sweetwater County, Wyoming hereby accepts One Year Maintenance Bond Letter of Credit Number 5091756MAINT, issued by RSNB, in the amount of \$112,136.57 for the completed improvements, commencing on December 6, 2016 and expiring on December 6, 2017. Defective items shall be repaired or replaced prior to December 6, 2017.

Section 4. That Items 1-20 shall be completed by the dates specified for each outstanding item and that Standby Letter of Credit Number 5091756, issued by RSNB, in the amount of \$50,000.00, shall be retained to guarantee the installation of the remaining items outlined in 1-20 above. The portion of the Standby Letter of Credit corresponding to any items not completed by December 15, 2017 shall be forfeited to the City.

Section 5. After the completion of the remaining \$50,000 in improvements, the remaining improvements will be inspected and accepted in a separate Resolution. Prior to the

release of the remaining \$50,000 from Standby Letter of Credit Number 5091756, an additional one year warranty in the form of a Maintenance Bond, in the amount of \$12,500 (25% of \$50,000), will be required. Said additional warranty will commence on the date of the council acceptance of the remaining items and will expire one year from the date of said council acceptance of the remaining items.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk