

**CONTRACT ROUTING FORM**

1. Complete the information below BEFORE printing and completing items 2 through 7. Items in red are required.

Department: Planning Department

Department contract file name (use effective date): Sunset Grove Phase 1\_Planning\_20240308

Project Code: Click here to enter text.

Contract type: Contract

Contracted Services/Goods: Financial Guarantee for Infrastructure

Contract Component: Payment and Performance Bond

Change Order Number/Addendum Number: Click here to enter text.

Vendor Name: Chatham Capital, LLC

Effective Date: 03/06/2024

Approved by: County Manager

Date approved by the BOC: Click here to enter text.

Ending Date: 2/5/2026

Total Amount: Financial Guarantee - \$14,022.50

Please Return Contract to:

Name: Hunter Glenn

Email:

hunter.glenn@chathamcountync.gov

Special Instructions for Clerks

Office:

2. Department Head or his/her designee has read the contract in its entirety.

By:  (Department Head signature required)

3. County Attorney has reviewed and approved the contract

County Attorney has reviewed and rejects the contract  Reason: \_\_\_\_\_

This is an automatic renewal and does not require approval from the County Attorney: Yes  No



If this box is checked the County Attorney's Office has reviewed the contract but has not made needed changes to protect the County because the contract is a sole source contract and the services required by the County are not available from another vendor.

4. Technical/MIS Advisor has reviewed the contract if applicable. Yes  No

5. Vendor has signed the contract. Yes  No

6. A budget amendment is necessary before approval. Yes  No

If budget amendment is necessary, please attach to this form.

7. Approval

Requires approval by the BOC - contracts over \$100,000.00. Follow Board submission guidelines.

Requires approval by the Manager – contracts \$100,000 or less.

8. Submit to Clerk.

**Clerk's Office Only**

Finance Officer has signed the contract

The Finance Officer is not required to sign the contract

**NORTH CAROLINA**

**RESTATED CONTRACT**

**CHATHAM COUNTY**

THIS RESTATED CONTRACT FOR SUBDIVISION IMPROVEMENTS (this “Restated Contract”) made and entered into this the 6<sup>th</sup> day of March, 2024 by and between Chatham Capital, LLC, with a mailing address of 400 Market Street, Suite 15, Chapel Hill, North Carolina, 27516 (the “Developer”) and Chatham County, a body politic and corporate of the State of North Carolina, with a mailing address of Post Office Box 54, Pittsboro, North Carolina, 27312 (the “County”);

WITNESSETH:

WHEREAS, the Developer and the County entered into a series of prior contracts for subdivision improvements, the last of which was dated March 23, 2022 (all such prior contracts are hereinafter collectively referred to as the “Previous Contracts”), with respect to the satisfactory construction, installation, and completion of all improvements (the “Improvements”) required by the County for a subdivision located in Chatham County, North Carolina, known as Sunset Grove, Phase 1 (the “Subdivision”); and

WHEREAS, the contract dated March 23, 2022, extended the date that the Developer would complete all such County required Improvements to April 20, 2023 (the “Completion Date”); and

WHEREAS, the Developer has requested, and the County has agreed, that the Completion Date be extended to February 5, 2026; and

WHEREAS, the Developer has previously provided the County with a Performance Bond in the amount of \$22,772.50 to secure the satisfactory construction, installation, and completion of Improvements in the Subdivision which shall remain in full force and effect; and

WHEREAS, the Developer has provided the County with an updated letter from Chad E. Blackmon, PE, a licensed architect or engineer, of Blackmon Development Associates, PLLC dated February 5, 2024, estimating that the amount of security required for the remaining Improvements is \$14,022.50 and the County has agreed that the Performance Bond be amended and renewed in the amount of \$14,022.50.

NOW, THEREFORE, the Developer and the County agree as follows:

1. The Completion Date for the Improvements is extended to February 5, 2026.
2. The amount of the Performance Bond as provided in the Contract shall be reduced from \$22,772.50 to \$14,022.50.
3. Except as provided in this Restated Contract, all terms and conditions of the Previous Contracts shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

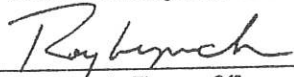
CHATHAM COUNTY

By:   
\_\_\_\_\_  
Dan LaMontagne, County Manager

CHATHAM CAPITAL, LLC

By:  manager  
\_\_\_\_\_  
Authorized Agent

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

  
\_\_\_\_\_  
Roy Lynch, Finance Officer



**Copy**

# DECREASE PENALTY RIDER

BOND AMOUNT \$88,987.50 BOND NO. PB00155801062

To be attached and form a part of Bond No. PB00155801062 dated the 10th Day of March, 2020, executed by Philadelphia Indemnity Insurance Company as surety, on behalf of Chatham Capital, LLC as current principal of record, and in favor of Chatham County, as Obligee for Sunset Grove Phase 2 - Paving, Backfill Edge of Pavement, Fine grade - Stabilize Shoulders and Ditches, Temporary Ditch Lining, Permanent Ditch Lining, Offsite Water (if needed), Convert Wet Pond to Permanent per Blackmon Development's estimate dated January 3, 2020, and in the amount of Eighty Eight Thousand Nine Hundred Eighty Seven Dollars and 50/100 (\$88,987.50).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Philadelphia Indemnity Insurance Company hereby consents that effective from the 5th Day of February, 2024, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE DECREASED:

FROM: Eighty Eight Thousand Nine Hundred Eighty Seven Dollars and 50/100 (\$88,987.50)

TO: Twenty Two Thousand Seven Hundred Twelve Dollars and 50/100 (\$22,712.50)

The DECREASE of said bond penalty shall be effective as of the 5th Day of February, 2024, 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 18th Day of February, 2024

Chatham Capital, LLC  
PRINCIPAL

BY \_\_\_\_\_

Philadelphia Indemnity Insurance Company  
SURETY

BY \_\_\_\_\_  
Turner A. Estep, ATTORNEY-IN-FACT

THE ABOVE BOND IS HEREBY AGREED TO AND ACCEPTED BY:

Chatham County  
OBLIGEE

BY \_\_\_\_\_  
TITLE



PHILADELPHIA INDEMNITY INSURANCE COMPANY  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950



COPY

Power of Attorney

Surety Bond Number: PB00155801062  
Principal: Chatham Capital, LLC  
Obligee: Chatham County

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Turner A. Estep its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$75,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5<sup>TH</sup> DAY OF MARCH, 2021.



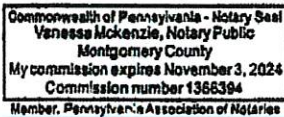
(Seal)

John Glomb, President & CEO  
Philadelphia Indemnity Insurance Company

On this 5<sup>th</sup> day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

*Vanessa McKenzie*



residing at: Bala Cynwyd, PA

My commission expires: November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5<sup>th</sup> day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 18th day of February, 2024



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY

Blackmon Development Associates, PLLC  
401 Aversboro Road – Suite 100  
Garner, NC 27529  
Firm License: P-0643

February 5, 2024

Chatham County Planning Department  
P.O. Box 87  
Pittsboro, NC 27312

RE: Sunset Grove phase 1

I have inspected the construction for the above referenced project – which consists of 30 lots located on Mt. Gilead Church Road. I hereby certify construction is approximately 98% complete, and that the public water system has been completed and has been accepted by Chatham County. Below is a list of the estimated remaining construction costs and the corresponding required bonding amount required to complete the horizontal construction.

<u>Improvement</u>	<u>Amount to be completed</u>
1. Paving – 2" asphalt (10%)	\$ 10,218.00
2. Backfill Edge of Pavement	\$ 0.00
3. Fine grade, stabilize shoulders & ditches	\$ 1,000.00
4. Temporary ditch lining	\$ 0.00
5. Permanent ditch lining	\$ 0.00
6. Offsite turn lane	\$ 0.00
7. Convert wet pond to permanent	\$ 0.00
8. Convert bioretention pond to permanent	\$ 0.00
Chatham County construction contingency – 25%	\$ 2,804.50
	=====
Total Bond Amount	\$ 14,022.50

All roadways within the subdivision are public and are constructed to NCDOT standards. The roadways have the asphalt in place and are accessible for emergency vehicles.

Please contact me if you have any questions.

Respectfully submitted,

Chad E Blackmon, PE

