

SUBDIVISION IMPROVEMENT AGREEMENT

Brandywine Farms Sec 2a Subdivision

This Agreement, made by and between the City of Greenfield Board of Public Works and Safety (“Board of Works”) and Brandywine of Greenfield LLC (“Subdivider”).

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Brandywine Farms Subdivision;

WHEREAS, the Plan Commission Staff granted Subdivider secondary plat approval for the Brandywine Farms Sec 2a subdivision but conditioned such approval on the installation of certain public improvements throughout the subdivision;

WHEREAS, the City of Greenfield Subdivision Control Ordinance states and requires that each secondary plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guarantee, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Planning Director for secondary plat approval, as authorized by the Plan Commission, for the Brandywine Farms Sec 2a;

WHEREAS, Subdivider has not completed the required public improvements, namely improvements to the installation of street stone, base, intermediate and surface asphalt, 301 ft of sanitary sewer line, monuments, street signs, and erosion control, and sidewalks and desires to submit a subdivision improvement agreement, secured by performance bonds/letters of credit in order to qualify for secondary plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. Subdivider agrees to obtain and submit to the Board of Works performance bonds in the amount of (\$193, 333 One hundred ninety-three thousand, three hundred and thirty-three dollars in favor of the City of Greenfield, to secure the completion of all required public improvements at the Brandywine Farms Sec 2a.
2. Subdivider agrees to complete the Brandywine Farms Sec 2a public improvements on or before April 26, 2024, in accordance with the construction and design standards set forth or incorporated in the City of Greenfield Subdivision Control Ordinance, the City of Greenfield Public Improvement Design Standards and Specifications Manual, and in accordance with the development plans set forth or incorporated in the approved Brandywine Farms Sec 2a Plat and application materials.

3. The parties acknowledge and agree that the Zoning Administrator may withhold improvement location permits for any undeveloped Brandywine Farms Sec 2a lot unless and until Subdivider has completed the public improvements that serve the lot.
4. The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this Agreement, the Board of Works may submit a claim under the performance bonds in an amount sufficient to cover the breach.
5. The parties acknowledge and agree that by accepting the performance bonds/letters of credit from Subdivider and that by entering into this Agreement, the City has not and does not waive any of its rights with respect to the enforcement of the City of Greenfield Subdivision Control Ordinance and/or approval granted thereunder in relation to the Brandywine Farms Sec 2a against the Subdivider.

IN WITNESS WHEREOF, the Board of Works, by its Chairperson, and Subdivider execute this Agreement this 26th day of April, 2023.

GREENFIELD BOARD OF PUBLIC
WORKS AND SAFETY

Chuck Fewell, Mayor

Katherine N. Locke

Larry J. Breese

Kelly McClarnon

SUBDIVIDER

DocuSigned by:
Mark D. Gradison
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Brandywine of Greenfield LLC
Mark D. Gradison, Manager

Glenna Shelby

ATTEST:

Lori Elmore, Clerk-Treasurer

City of Greenfield