City of Bryant Stormwater Department

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Bryant, Arkansas 72022
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WARRANTY BOND PROCEDURES

For Stormwater Infrastructure Public & Private

These procedures are applicable to Stormwater Infrastructure that is to be dedicated to the public and maintained by the City of Bryant and for Private Stormwater Infrastructure that will be connected to overall City of Bryant Stormwater Infrastructure.

In accordance with Ordinance No. 2019-32 Article V., The City of Bryant Stormwater Department will require a Maintenance Warranty Bond as part of the process for approving Stormwater Infrastructure. The purpose of the bond is to cover the cost of correcting deficiencies not addressed by the developer during the warranty period and to insure no adverse effects will occur to the overall function of the City of Bryant Stormwater Infrastructure.

ORDINANCE 2019-32 ARTICLE V. STORMWATER INFRASTRUCTURE WARRANTY BOND.

1. **Stormwater Infrastructure Warranty Bond.** A one year maintenance bond against defects in workmanship shall be required by the Administrative Authority for any portion of the stormwater management facilities privately owned or stormwater management improvements dedicated to the city, said maintenance bond is to be provide by cashier's check, irrevocable letter of credit or acceptable surety authorized to do business in the State of Arkansas. All forms of maintenance bonds shall be subject to approval by the Administrative Authority. The value of the bond shall be an amount equal to 100% of the value of the privately owned stormwater management facilities or stormwater system improvements being privately owned or dedicated to the city. A cost list must be provide to prove and verify the amount of the maintenance bond. The cost list shall include cost of stormwater infrastructure construction and components (piping, weirs, spillway structures, junction boxes, trickle channels, inlets, grates, riprap and site stabilization).

2. **Procedurals.** These procedures are applicable to Stormwater Infrastructure that is to be dedicated to the public and maintained by the City of Bryant and for Private Stormwater Infrastructure that will be connected to overall City of Bryant Stormwater Infrastructure.

   In accordance with Ordinance No. 2019-32 Article V., City of Bryant Stormwater Department will require a Maintenance Warranty Bond as part of the process for approving Stormwater Infrastructure. The bond will be equal to 100% of the cost of construction of the Stormwater Infrastructure System at the time of completion of the Stormwater Infrastructure System. The purpose of the bond is to cover the cost of correcting deficiencies not addressed by the developer during the warranty period and to insure no adverse effects will occur to the overall function of the City of Bryant Stormwater Infrastructure.

3. **Determining the Maintenance Warranty Bond Amount.** During the final inspection process, the City of Bryant Stormwater Department will verify and approve the Warranty Bond estimate for all Stormwater Infrastructure within the proposed unit using:

(a) The Warranty Bond cost list estimate shall be presented to the City of Bryant Stormwater Department by formal letter. The formal letter shall include project name, developer contact information and "Cost List for Construction of Stormwater Infrastructure Components" including but not limited to piping, weirs, spillway structures, junction boxes, trickle channels, riprap, inlets, grates, weirs and site stabilization;

(b) The Bond amount will need to be re-evaluated if more than 18 months have passed from the time of the estimate review to the time of providing the bond to the City of Bryant Stormwater Department;

4. **Submitting the bond to the city.** After requesting a final inspection of the Stormwater Infrastructure and approval of completion by the City of Bryant Stormwater Department, the developer must provide the City of Bryant Stormwater Department with a bond equal to amount determined in Article V. Section 3. of this document. The Bond must be for a period of 12 months and be a financial guarantee in the form of a bond, letter of credit, or trust agreement executed by a surety company authorized to do business in the State of Arkansas. The Bond must be payable to the City of Bryant Public Works Department, conditioned that the developer will maintain the Stormwater Infrastructure in accordance with the Stormwater Management Manual Ordinance No. 2019-31 and the Stormwater Management Ordinance No. 2019-32.

5. **Warranty period.** After the Stormwater Infrastructure construction passes the final inspection and the one year warranty bond is received, the one year maintenance warranty period will begin. The one-year warranty period will start on the date the Maintenance Warranty Bond is received and accepted. There shall be no separate warranty period start dates for Stormwater Infrastructure within a single unit.

6. **Follow-up inspection.** The City of Bryant Stormwater Department will conduct a follow-up inspection within the tenth month of the warranty period but in no event any later than two months prior to the bond expiring. The City of Bryant Stormwater Department will issue a punch list of deficiencies that will be sent to the developer or contractor for the unit. If no deficiencies are found and camera video passes inspection, release of the bond will proceed as set out and as listed in Article V. Section 10 of this document.

7. **Correcting Deficiencies and Camera Video.** The developer must contact the City of Bryant Stormwater Department at least 24 hours before correcting any decencies or performing camera video. The developer shall also camera all stormwater infrastructure to ensure that there is no sediment laden infrastructure. Upon notification by the developer that all deficiencies have been corrected and camera video has been completed, the City of Bryant Stormwater Department will re-inspect to verify compliance with correction of deficiencies and reviewing the camera video to assure the stormwater infrastructure is not sediment laden or defective.

8. **Calling in the bond.** If the developer does not contact the City of Bryant Stormwater Department, deficiencies have not been corrected and the stormwater infrastructures has not been camera videoed by the end of the 11th month or one (1) month prior to the expiration of the Bond, the City of Bryant Stormwater Department will prepare an estimate and list of work to be done to bring the stormwater infrastructure into compliance. The City of Bryant Stormwater Department will contact the bonding agency to submit the cost estimates for correcting the deficiencies.

9. **Requesting Acceptance.** Once all deficiencies have been corrected, the City of Bryant Stormwater Department will prepare the paperwork for the Stormwater Infrastructure within the unit accepted for maintenance by the City of Bryant 'if dedicated', or paperwork will be prepared to release the bond if infrastructure is a private unit.

10. **Bond Release.** The Bond will be released once the City of Bryant has accepted the Stormwater Infrastructure for maintenance 'if dedicated', and an acceptance letter has been written by the City of Bryant Public Works. If all compliance has been met with a private Stormwater Infrastructure Unit(s) then the City of Bryant Stormwater Department shall contact the developer by formal letter and release the bond. No partial release of the Bond will be allowed at any time.

ATTENTION: DO NOT FILL OUT INFORMATION BELOW UNTIL YOU ARE PRESENT WITH A NOTARY PUBLIC. (THIS DOCUMENT MUST BE NOTARIZED)

By filling out the information below, signing and dating, you are hereby acknowledging that you have read, understand and agree to adhere to the Stormwater Infrastructure Warranty Bond Procedures and Processes listed in this document. You the applicant are hereby responsible for upholding, without limitation, the Stormwater Infrastructure Warranty Bond Procedures.

Butler Center
Name of Project Site/Addition

Michael Butler
Applicant Name
(Print)

Applicant Name
(Signature)

Butler Wealth Capital, LLC
Applicant Business Name

6, Creekwood Court, Little Rock, AR 72223
Applicant Mailing Address

Notarization

State of ARKANSAS

County of SALINE

Subscribed and sworn before me, a Notary Public, on this 17TH **day of** MARCH, 2023.

Signature of Notary

02-05-2031
My commission expires:

Notary Seal Stamp Here:

GEORGE P. WOODEN
Notary Public-Arkansas
Saline County
My Commission Expires 02-05-2031
Commission # 12714343