

LUMPKIN COUNTY RESOLUTION NO. 2015 -35

**A RESOLUTION TO ADOPT THE ROADS
WITHIN
SHADOWSTONE SUBDIVISION**

Whereas, the Lumpkin County Planning Director has recommended to the governing authority of Lumpkin County that the roads within Shadowstone Subdivision be accepted and adopted as county roads; and

Whereas, the Lumpkin County Planning Director has found that the roads have been developed in accordance with the plans approved by the planning office; and

Whereas, the Developer has posted a Performance Bond in the amount of \$29,000.00 as surety for the faithful performance and timely compliance with all of the requirements and provisions of the land development regulations of Lumpkin County as more particularly set out in Chapter 26 of the Code of Ordinances of Lumpkin County, Georgia, and

Whereas, the certificate of title and the Right of Way Deed has been found acceptable to the county attorney; and,

Whereas, the governing authority of Lumpkin County now desires to adopt the roads in Shadowstone Subdivision as county roads;

Now therefore, it is hereby resolved that the following roads are accepted and adopted as Lumpkin County roads:

<u>Road Name:</u>	<u>Right of Way Width:</u>	<u>Length of Road:</u>
Shadowstone Drive	60'	0.755 mi
Featherbrooke Lane	60'	0.179 mi
Spirit Trail	60'	0.048 mi
Eagle's Watch	60'	0.181 mi
Bent Arrow Court	60'	0.069 mi

The roads are more particularly set out on that final subdivision plat for Shadowstone, a Class IV Subdivision, dated July 7, 2008, last revised April 7, 2015, prepared by John T. Gaston, Georgia Registered Land Surveyor, a copy of which is on file with the Lumpkin County Planning Department.

Page Two
Resolution 2015-35

Resolved, adopted and effective this 16th day of June, 2015.

Chris Dockery, Chairman
Lumpkin County Board of
Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

PERFORMANCE BOND

COUNTY OF LUMPKIN
STATE OF GEORGIA

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WIK II, LLC, hereinafter sometimes referred to as "Developer" or "Principal", has applied to the Lumpkin County Planning Commission for final plat approval of Shadowstone, a Class IV Subdivision, and to the Lumpkin County Board of Commissioners (the 'County') for acceptance of the roads lying within Shadowstone, and the Developer is required to furnish a bond in the sum hereinafter mentioned, conditioned as hereinafter set forth; and

WHEREAS, in lieu of a surety bond or letter of credit, the Developer desires to deposit with the County an amount in cash as calculated by the Lumpkin County Public Works Director as surety; and

WHEREAS, the County has agreed to hold said deposit in trust to indemnify the County for all costs and expenses incurred by the County by reason of the violation by the Developer of any of the provisions of the land development regulations of Lumpkin County as more particularly set out in Chapter 26 of the Code of Ordinances of Lumpkin County, Georgia;

NOW THEREFORE, Principal is hereby held and firmly bound unto the County, in the just sum of Twenty-nine Thousand and no/100s Dollars (\$29,000.00) for the payment of which, well and truly to be made, Principal binds itself, its successors and assigns, each and everyone of them, jointly and severally, firmly be these presents.

Principal has deposited the sum of Twenty-nine Thousand and no/100s Dollars (\$29,000.00) with the County as bond for the performance of the obligations set forth herein.

This Bond guarantees the faithful performance and timely compliance of the said Principal with all of the requirements and provisions of the land development regulations of Lumpkin County as more particularly set out in Chapter 26 of the Code of Ordinances of Lumpkin County, Georgia;

IT IS FURTHER AGREED, that in the event of any default by the Principal in the performance of any obligation required herein, the cash deposit shall, without notice to or authority from the undersigned, be used by the County to complete the required work to the satisfaction of the County.

Now should the Principal faithfully, well and truly perform all and singular its duties hereunder, complies with all of the requirements of the land development regulations of Lumpkin County as more particularly set out in Chapter 26 of the Code of Ordinances of Lumpkin County, Georgia, and completes such requirements within the required time and obtained approval from the Lumpkin County Public Works Director, then this obligation shall be void and the cash, or

balance thereof if partial payment for failure to perform has previously been made, shall be returned to Principal; otherwise to remain in full force and effect.

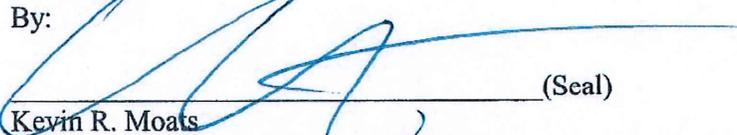
IT IS FURTHER UNDERSTOOD AND AGREED that this bond is effective on May 11, 2015, and expires on November 15, 2016.

WITNESS the hand and seal of the undersigned the day and year above written.

Developer and Principal:

WIK II, LLC

By:


Kevin R. Moats

(Seal)

Title: Managing Member of Moats & Associates, LLC, as Managing Member of WIK II, LLC

Sworn to and subscribed before me
this 2nd day of June, 2015.



Notary Public
Commission Expires: 08/15/2015

Bond Form and Terms Approved By:

Lumpkin County Board of Commissioners

Chris Dockery, Chairman

Date: _____