

# **SUBDIVISION IMPROVEMENT AGREEMENT**

Meridian North Sec 4B Subdivision

This Agreement, made by and between the City of Greenfield Board of Public Works and Safety (“Board of Works”) and D.R. Horton - Indiana, LLC (“Subdivider”).

## **Preamble**

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Meridian North Sec 4B Subdivision

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WHEREAS, on July 8, 2019, the Plan Commission granted Subdivider primary plat approval for the Meridian North Sec 4B 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 Zoning Administrator for secondary plat approval, as authorized by the Plan Commission, for the Meridian North Sec 4B Subdivision;

WHEREAS, Subdivider has not completed the required public improvements, namely common area and lot sidewalks, erosion control, street signs, and monuments, and desires to submit a subdivision improvement agreement, secured by Subdivision Performance Bonds, 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 Two Hundred One Thousand, Ninety- nine Dollars and eighty Cents, (\$201,099.80 in favor of the City of Greenfield, to secure the completion of all required public improvements for the Meridian North Sec 4B Subdivision.
2. Subdivider agrees to complete the Meridian North Sec 4B Subdivision public improvements on or before July 28, 2021, 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 Meridian North Sec 4B Subdivision Plat and application materials.

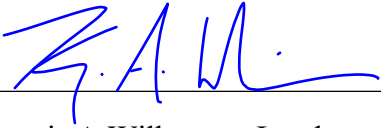
3. The parties acknowledge and agree that the Zoning Administrator may withhold improvement location permits for any undeveloped Meridian North Sec 4B Subdivision lot unless and until Subdivider has completed the public improvements that serve the lot.
4. The parties acknowledge and agree that time is 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 Bond or Letter of Credit in an amount sufficient to cover the breach.
5. The parties acknowledge and agree that by accepting the Performance Bonds or Letter 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 Meridian North Sec 4B Subdivision, against the Subdivider.

IN WITNESS WHEREOF, the Board of Works, by its Chairperson, and Subdivider execute this Agreement this 28th day of July, 2020.

**BOARD OF PUBLIC WORKS AND SAFETY**

**SUBDIVIDER**

\_\_\_\_\_  
Chuck Fewell, Mayor

  
\_\_\_\_\_  
Kempis A Wilkerson, Land  
Development Manager

\_\_\_\_\_  
Katherine N. Locke

D.R. Horton - Indiana, LLC

\_\_\_\_\_  
Larry J. Breese

\_\_\_\_\_  
Kelly McClarnon

\_\_\_\_\_  
Glenna Shelby

ATTEST: \_\_\_\_\_

Lori Elmore, Clerk-Treasurer, City of Greenfield