



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

DATE: May 6, 2009

TO: Metropolitan Planning Commission

FROM: Richard C. Bernhardt, FAICP, CNU, Executive Director

Re: Bond Policies

CC: Doug Sloan, Metro Department of Law

To effectively implement the delegated authority provided from the Planning Commission, I have implemented certain policies regarding performance bonds that are not in good standing with the Planning Commission. These policies are intended to protect Metro's interests to the greatest extent reasonable given the current economic situation and uncertainties. These policies include the following.

1. The Planning Department will not administratively approve applications, including those for bonds, final plats, UDOs, SPs and PUDs, for any developer who has a breached performance agreement with expired security. In some cases, this is also extended to other development companies owned or operated by a common person. This is applied where several companies are operating out of the same office, by the same people, and are likely related entities.
2. The Planning Department will not administratively approve any applications, including those for bonds, final plats, UDOs, SPs and PUDs, for any developer who has recorded a final plat without a bond. The Subdivision Regulations state that infrastructure must be complete before a final plat is recorded. In lieu of completing the infrastructure, the Planning Department allows for the posting of a performance bond. If a plat is recorded without a bond, the developer is not relieved from completing the infrastructure required by the recording of the final plat. In some cases, this is also extended to other development companies owned or operated by a common person. This is applied where several companies are operating out of the same office, by the same people, and are likely related entities.
3. The Planning Department will not administratively approve any applications, including those for bonds, final plats, UDOs, SPs and PUDs, for any development within the same UDO, SP or PUD as another phase with a breached performance agreement with expired security. This is applied where the breach has occurred by the same developer, or by a separate developer.