



## COUNTY OF LEXINGTON

PUBLIC WORKS STORMWATER DIVISION

### Commercial Construction Site Bonding Process

#### Purpose

The purpose of the commercial construction site bonding process is to allow a commercial construction site the ability to obtain a Certificate of Occupancy (CO) when final stabilization across a site has not been achieved. A developer (or person financially responsible) can obtain a commercial construction bond by securing monies to Lexington County in the event the developer does not, or is unable to complete the project. In most cases, the bond will be twice the amount of the actual stabilization cost.

For the purpose of this agreement, final stabilization is 70 % permanent vegetative coverage across 100 % of the construction site for all disturbed areas without buildings or pavement.

#### Eligibility

To be eligible for a commercial construction site bond, a developer (or person financially responsible) must meet the following criteria:

1. The land disturbance permit for the site must be for a commercial project. Residential projects are not eligible for the commercial site bonding process.
2. The site must be graded to which permanent grass and/or other methods of final stabilization can be achieved.
3. All attempts to achieve final stabilization must be taken prior to the County's acceptance of the bond.
4. All off site areas disturbed during the construction process must be completely stabilized (i.e. an off site sewer line going through individual homeowners yards).
5. All ponds' (detention/retention/amenity) as-built surveys must be accepted by the County.
6. All recorded covenants for permanent maintenance for stormwater ponds (detention/retention/amenity) must be approved by the County.
7. The developer (or person financially responsible) must agree to the Commercial Construction Site Bond Agreement.

#### Commercial Site Bonding Process

If a developer meets all eligibility criteria, he/she may apply for a commercial bond by signing the Commercial Construction Site Bond Agreement. The developer (or person financially responsible) shall have the site completely stabilized within \_\_\_ days of the date this agreement is signed. The developer (or person financially responsible) will disburse monies that would allow the County to have the site stabilized in the event the developer is unable, or does not finish the process within \_\_\_ days from the date the letter has been signed.

The amount of money that must be put up to the County to secure the bond is up to the discretion of the Public Works Stormwater Division. The County Inspector will decide the actual amount of money that

needs to be put up in the bond. A general rule for this will be \$2000 per acre or any portion of a disturbed acre. The County does reserve the right to decide that more or less money will be put up for the bond.

The developer (or person financially responsible) must also make an attempt to plant grass or seed prior to Lexington County's acceptance of the Commercial Construction Site Bond Agreement.

If the site has been completely stabilized before the end of the \_\_\_<sup>th</sup> day, the developer (or person financially responsible) will be refunded the entire amount of the check. The developer will agree that any interest accrued by the County while the check is in their account will be deferred to the County. If the site has not been completely stabilized by the end of the \_\_\_<sup>th</sup> day, the developer will forfeit all monies used for the bond.

### **Extensions**

A developer can request an extension of the \_\_\_-day time period in the event that unforeseen circumstances do not allow final stabilization to occur. The request must be written and submitted to 440 Ball Park Road, Lexington SC 29072, within 10 days from the end of the \_\_\_<sup>th</sup> day. This request will be evaluated by the Public Works Stormwater Division, and an extension will be considered. The County reserves all rights to deny an extension request.



**COUNTY OF LEXINGTON**  
PUBLIC WORKS STORMWATER DIVISION  
**Commercial Construction Site Bond Agreement**

Project Name: \_\_\_\_\_

TMS #: \_\_\_\_\_

Land Disturbance Permit Number: \_\_\_\_\_

NPDES Permit Coverage Number: SCR10 \_\_\_\_\_

Acreage To Be Stabilized: \_\_\_\_\_

Bond Amount: \$ \_\_\_\_\_

Bond Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Bond Expiration Date : \_\_\_\_ / \_\_\_\_ / \_\_\_\_ ( \_\_\_\_ days from Bond Date)

Developer/Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone and Fax Number(s): \_\_\_\_\_

Email Address: \_\_\_\_\_

I have read the Commercial Construction Site Bonding Process and I request a commercial construction site bond based on the information listed above. I agree to the Bond Amount listed above. I agree to have the commercial site listed completely stabilized by the Bond Expiration Date or I will forfeit the entire bond plus interest to the County. If the site is completely stabilized before the Bond Expiration Date, I understand that the Bond Amount will be returned to me within 30 days from the Bond Expiration Date without any accrued interest. I agree to hold Lexington County harmless and will allow the County access on the property in the event that any work needs to be performed by the County to complete final stabilization.

\_\_\_\_\_  
Signature of Developer/Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of County Representative

\_\_\_\_\_  
Date