

Engineering Department

September 30, 2014

RE: Tier 1 Land Disturbance Performance Bonds

Dear Contractor:

To obtain a Tier 1 Land Disturbance Permit from the City of Mobile, the Storm Water and Flood Control Ordinance requires that a security be provided in Section 17.9.A.1.

The requirements of the surety are defined below. A standard bond form is provided for your use. **The Tier 1 Land Disturbance Permit cannot be issued until surety is provided in one of the forms as required in the ordinance below.**

“Section 17-9. Best Management Practices – Tier 1 Land Disturbance Permit

A. Design and Performance Standards

1. The CBMP plan must be accompanied by a letter of credit, a surety bond or a cash bond, with the City having the right to determine which type of security shall be furnished. Unless the City determines that sufficient security for compliance with the requirements of this Ordinance is already in place, a letter of credit, a surety or a cash bond (a letter of credit, a surety bond and a cash bond shall be herein collectively referred to as “security”) shall be furnished to the City in accordance with the following provisions:
 - (a) The City shall require a letter of credit, a surety bond or a cash bond in such amount as specified herein to assure that the work, if not completed or if not in accordance with the permitted plans and specifications, will be corrected to eliminate hazardous conditions, erosion and/or drainage problems. In lieu of a letter of credit or a surety bond required by the City, the owner may file a cash bond with the City in an amount equal to that which would be required in the letter of creditor or the surety bond.

- (b) The security shall contain, or have attached to it as an exhibit, a legal description of the site. The security shall remain in effect for such reasonable period of time as may be required by the City.
- (c) The security for clearing operations only shall be in the amount of one thousand dollars (\$1,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.
- (d) The security for earthwork or clearing and earthwork operations shall be in the amount of three thousand dollars (\$3,000.00) per acre for each acre, or fraction of an acre, disturbed or affected by such operations.
- (e) Security equal to double the amounts required in subsections (3) and (4) herein, shall be required where clearing or earthwork is performed in areas designated as flood ways, flood plains or areas susceptible to landslides.
- (f) Each letter of credit must be issued by a bank which has its principal office in the City.
- (g) Each letter of credit must be issued by a bank which is reasonably satisfactory to the City and each surety bond must be issued by a surety company which is qualified to do business in the state and which is otherwise reasonably satisfactory to the City.”

Should you have any questions, contact George Davis, Julia Miller or myself at 251-208-7810 or via email at land.disturbance@cityofmobile.org

Sincerely,

Rosemary Ginn Sawyer, PE, CFM
Assistant City Engineer