



Date of Council Meeting: February 24, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Substitute performance guarantee for Courthouse Square (TLPF-2012-0011).

Staff Contact: Thomas A. Mason, P.E., Director of Public Works.

Council Action Requested: Section 6.04 of the Leesburg Subdivision and Land Development Ordinance requires all performance agreements and guarantees over \$200,000 for land development projects to be approved by the Town Council.

Staff Recommendation: That the Town Council approve the proposed action for a substitute performance guarantee for Courthouse Square. I recommend acceptance of a Letter of Credit from Union First Market Bank in the amount of \$1,485,000 instead of the previously approved Letter of Credit from Eagle Bank and the previously approved substitute Letter of Credit from John Marshall Bank to guarantee the installation of the public improvements at Courthouse Square.

Commission Recommendation: Not applicable.

Fiscal Impact: This item does not impact the Department of Public Works operating budget.

Executive Summary: The Courthouse Square project is ready for Town Council approval of a substitute performance guarantee for installation of public improvements.

Background:

Courthouse Square – Court House Square LLC, the developer of Courthouse Square, proposed to provide a Letter of Credit from Eagle Bank in the amount of \$1,485,000 to guarantee the installation of public improvements at Courthouse Square. The Letter of Credit was approved by the adoption of Resolution #2014-088 on August 12, 2014. The developer then proposed to provide a substitute Letter of Credit from John Marshall Bank. That letter of credit was approved by the adoption of Resolution #2014-120 on November 24, 2014. The developer has now requested that the Town Council accept a substitute Letter of Credit from Union First Market Bank.

Attachments: Resolution

PRESENTED February 24, 2015

RESOLUTION NO. 2015-_____

ADOPTED February 24, 2015

A RESOLUTION: APPROVING A SUBSTITUTE PERFORMANCE GUARANTEE FOR COURTHOUSE SQUARE (TLPF-2012-0011)

WHEREAS, Council Resolution #2014-088 adopted on August 12, 2014, approved an irrevocable Letter of Credit from Eagle Bank in the amount of \$1,485,000 to guarantee the public improvements for Courthouse Square; and

WHEREAS, Council Resolution #2014-120 was adopted on November 24, 2014, approved a substitute Letter of Credit from John Marshall Bank in the amount of \$1,485,000 to guarantee the public improvements for Courthouse Square; and

WHEREAS, Court House Square LLC, the developer of Courthouse Square has requested to provide a Letter of Credit from Union First Market Bank in the amount of \$1,485,000 for Courthouse Square instead of the previously approved Letter of Credit from Eagle Bank and the previously approved substitute Letter of Credit from John Marshall Bank and is requesting approval of the same; and

WHEREAS, the Director of Public Works recommends approval of a substitute performance guarantee for Courthouse Square.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that the substitute letter of credit from Union First Market Bank in the amount of \$1,485,000 is approved to guarantee the public improvements shown on plans approved by the Director of Plan Review.

PASSED this 24th day of February, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council