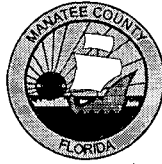


MEMORANDUM



Public Works Department
Fiscal Services Division
1022 26th Ave. E.
Bradenton, FL 34285

MANATEE COUNTY FLORIDA

Phone: 941-708-7450
Fax: 941-708-7502
www.myanatee.org

To: Vicki Tessmer, Board Records Manager, Clerk of the Circuit Court

Thru: Ron Schulhofer, Director, Public Works Department

From: Jane Oliver, Bond Coordinator

Date: December 26, 2012

Subject: MYAKKA CITY VILLAGE
FOR RIGH-OF-WAY USE
PERMIT NUMBER 120-03-097
RELEASE DEFECT SECURITY AGREEMENT
RELEASE CASHIER'S CHECK

APPROVED IN OPEN SESSION

JAN 08 2012

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Please schedule on your consent calendar for the next available Board of County Commissioner's Agenda, the following "Form of Motion".

- **Authorization to release** the following *Agreement and Cash Bond/Cashier's Check/Certificate of Deposit as Defect Security Warranting Required Improvements* in the amount of \$2,538.64 ;
- **Authorization to release and return** the following Cashier's Check in conjunction with the above referenced agreement. Documents will be returned to Cheryl Maddox located at 10540 Lebanon Street, Myakka City, FL 34251;
 - **Cashier's Check** No. 4679812895 issued through Liberty Bank;
 - **Amount** of Check \$2,500.00
 - **Cashier's Check** No. 4679814589 issued through Liberty Bank;
 - **Amount** of Check \$38.64
 - **TOTAL** Amount of Defect Security **\$2,638.64**

RS/mjo

cc: Records Management
Mark Fransen, Infrastructure Inspections Div, Public Works Dept.
Cheryl Maddox

Attachment

STATE OF FLORIDA

COUNTY OF MANATEE

AFFIDAVIT OF OWNERSHIP OF FUNDS
IN CONNECTION WITH REQUEST FOR
MYAKKA CITY VILLAGE
FOR RIGHT-OF-WAY USE PERMIT NO. 120-03-097
RELEASE OF FUNDS

CHERYL MADDOX, SPOUSE OF BOBBY MADDOX, residing at 10540 LEBANON STREET, MYAKKA CITY, FL 34251, being duly sworn deposes and says:

That said deponent is the lawful owner of certain funds held by Manatee County as performance or defect security for improvements in MYAKKA CITY VILLAGE more particularly described as follows:

Total Amount of	<u>TWO THOUSAND FIVE HUNDRED THIRTY-EIGHT & 64/100</u> Dollars (<u>\$ 2538.64</u>),
Provided by	<u>TWO (2) CASHIER'S CHECKS</u> <u>ONE FOR \$2,500.00 dated AUGUST 3, 2004</u> <u>ONE FOR \$38.64 dated SEPTEMBER 9, 2004</u>
Issued From	<u>LIBERTY BANK</u>
Dated	<u>APRIL 1, 2003;</u>

That neither the said funds nor the rights of the deponent in the said funds have, in whole or in part, been assigned, transferred, hypothecated, pledged, or otherwise disposed of, nor are the funds otherwise subject to any claim or lien of any nature in favor of any third party;

That deponent is entitled to receive said funds upon their release, either as direct owner thereof or as legal successor in interest of the party that originally tendered such funds as performance or defect security;

That the deponent is entitled to the full and exclusive possession of the said funds upon release thereof by Manatee County; and

That this affidavit is made for the purpose of inducing Manatee County to return said funds to deponent, as the lawful owner thereof, upon release of said funds by Manatee County.

~~ACCEPTED IN OPEN SESSION~~

1

~~IAN 08 2012~~

~~BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA~~

Affidavit of Ownership of Funds
Myakka City Village

Deponent shall at all times indemnify, defend, save and hold harmless Manatee County and the Manatee County Clerk of the Circuit Court from and against any and all claims, actions and suits whether groundless or otherwise, and from and against any and all liabilities, losses, damages, costs, charges, counsel fees and other expenses of every nature and character by reason of payment of such funds to deponent upon their release by Manatee County.

Cheryl Maddox
[Signature of deponent]

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 10th day of December, 2012 by Cheryl Maddox. The above-named person is personally known to me or has produced _____ as identification. If no type of identification is indicated, the above-named person is personally known to me.

Christina M. Dakin
Signature of Notary Public
(Notary Seal)

Christina M. Dakin
Print Name of Notary Public



I am a Notary Public of the State of Florida, and my commission expires on Jan. 9, 2015.

1532

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE AND BORDER. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



4679812895

CASHIER'S CHECK

69-35
519

2251 ROMBACH AVE.
P.O. BOX 1000
WILMINGTON, OH 45177-1000
937-382-1000

August 03, 2004

PAY ***\$2,500 DOLLARS AND 00 CENTS**

DOLLARS ***\$2,500.00

TO
THE
ORDER
OF

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS

[Signature]
AUTHORIZED SIGNATURE

PAID THROUGH
AT
WHEELING, WV

Re: BOBBY MADDOX

TWO SIGNATURES REQUIRED IF OVER \$100,000.

+1:051900353:00467 98128954

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4679814589

CASHIER'S CHECK

69-35
619

2251 ROMBACH AVE.
P.O. BOX 1000
WILMINGTON, OH 45177-1000
937-382-1000

September 09, 2004

PAY *****\$38 DOLLARS AND 64 CENTS**

DOLLARS *****\$38.64

TO
THE
ORDER
OF

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS

[Signature]
AUTHORIZED SIGNATURE

PAID THROUGH
AT
WHEELING, WV

Re: BOBBY MADDOX

TWO SIGNATURES REQUIRED IF OVER \$100,000.

+1:051900353:00467 98145892

Maddox Commercial Buildings
Row use Permit 120-03-097

ACCEPTED IN OPEN SESSION Sept 14, 2004
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

1532

MANATEE COUNTY GOVERNMENT

MEMORANDUM

DATE: September 9, 2004

TO: Susan Romine, Board Records Supervisor
Clerk of the Court

FROM: Craig England, Right-Of-Way Supervisor *[Signature]*

SUBJECT: DEFECT SECURITY BOND, MADDOX COMMERCIAL BUILDING
RIGHT-OF-WAY USE PERMIT #120-03-097
MANATEE AVENUE, MYAKKA CITY

RECEIVED
SEP 13 2004
BOARD RECORDS

Please schedule on your consent calendar for the next available Board of County Commissioner's Agenda, the following "Form of Motion".

- Acceptance of and authorization for Chairman to execute the Defect Security (attached) warranting work in the Right-Of-Way. This Bond covers all permitted work performed in correlation with approved Right-Of-Way Use Permit #120-03-097.

Amount of Surety \$2,538.64 (See attached)

If you have questions, please call me at ext 7486.

ACCEPTED IN OPEN SESSION *Sept 14, 2004*
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

JCE/jce

Cc: Records Management
Kim Umana, Finance, Clerk of Circuit Court
Robin Tardiff, Property Appraiser's Office
Jane Oliver, Planning

1532

(Defect)

**AGREEMENT AND CASH BOND/CASHIER'S CHECK/CERTIFICATE OF DEPOSIT
AS DEFECT SECURITY WARRANTING REQUIRED IMPROVEMENTS
(Required with Bond, Cashier's Check, or Certificate of Deposit Warranting Improvements)**

WHEREAS, Bobby Maddox (Developer or Land Owners Representative) has constructed certain Required Improvements as a condition of issuance of Right-of-Way Use Permit Number 120-03-097 within MAAKKA CITY VILLAGE Subdivision; and

WHEREAS, in connection with the Project the Representative has submitted "plans" for the Required Improvements which are on file with and have been approved by Manatee County Florida (County); and

WHEREAS, the Developer/Representative is further requesting the County to Accept responsibility for maintenance upon their installation certain of these Required Improvements required under certain Southwest Florida Water Management District permits; and

WHEREAS, Manatee County requires this Security, which represents an amount equal to ten per cent (10%) of the installation costs of the Required Improvements, as determined by the County, be executed prior to issuance of a Right-of-Way Use Permit under the Right-of-Way Use Ordinance (Ordinance 89-11, as amended); and

WHEREAS, Manatee County is requiring bonding of an additional year beyond the requirement of the Manatee County Right-of-Way Ordinance in consideration of the County agreeing to maintain certain improvements installed pursuant to Southwest Florida Water Management District permits relating to the County Rights-of-Way in the project.

NOW, THEREFORE, that the Developer/Representative herewith tenders unto the County a MANATEE in the amount of 2,538.64 (7,227.04), dated _____, with or drawn on LIBERTY SAVINGS (Security), payable to the

ACCEPTED IN OPEN SESSION Sept 14, 2004
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

1532

Maddox Commercial Building
(Defect)

order of Manatee County, Florida, to be held by the Clerk of the Circuit Court of the County, in escrow, for the specific benefit of the County in accordance with the conditions set forth herein.

1. CONDITIONS OF THE DEFECT SECURITY FOR THE BENEFIT OF THE COUNTY;

a. This Security is posted for the purpose of correcting any construction, design or material defects or failures of, or in, the required Improvements which the Developer/Representative constructs in accordance with the Right-of-Way Use Permit Number 26-03-297 ("Defects") which appear within thirty-six (36) months from the date of the County's execution of the Agreement. Defects shall not include routine maintenance of the roads or drainage improvements.

b. After identifying any such Defects, the County, after providing at least twenty (20) days written notice to the Developer/Representative by certified mail, return receipt requested, may exercise its right to liquidate the Security for the purpose of correcting or causing the correction of the Defects and paying all costs thereof as provided therein. Upon Notice to the County within said twenty (20) day period, Developer/Representative shall have the right to correct or cause the correction of the Defects within a reasonable time prior to the County liquidating the aforementioned Security. The costs for which the Security may be used shall include all cost of correcting the Defects, including without limitation all engineering, legal and contingent costs, together with any and all claims, costs, expenses and damages, either direct or consequential, which the County may sustain on account of the Defects and correction thereof. Any portion of the Security not used by the County or claimed by the County pursuant to this section, may be released to the Developer/Representative not sooner than thirty-eight (38) months following the County's approval and acceptance of the Required Improvements.

2. Notices required under this Agreement shall be sent to the following addresses:

1532

Maddox Commercial Building
(Defect)

Developer/
Representative:

Bobby Maddox
Bobby Maddox

Manatee
County:

Manatee County
Transportation Department
4410 66th Street West
Bradenton, FL 34210
C/o The Transportation Director

SIGNED AND SEALED this _____ day of _____, 19 ____.

WITNESSES:

DEVELOPER/REPRESENTATIVE:

Dorothy Crisp
Signature

Bobby Maddox
Signature

DOROTHY CRISP
Type or Print Name

Bobby Maddox
Type or Print Name

[Signature]
Signature

Roller 53
Postal Address

JAMES C. ENGLAND
Type or Print Name

MANATEE CITY FL 34201
City State Zip

Bobby Maddox

1532

Maddy Commercial Building (Defect)

NOTARY ACKNOWLEDGMENT

STATE OF Florida

COUNTY OF Manatee

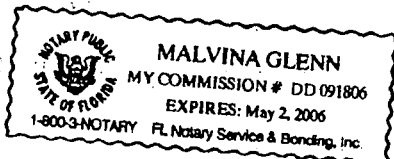
The foregoing instrument was acknowledged before me this 10th day of August, 19 2004, by Bobby Royce Maddy, as president (Title), on behalf of the corporation

identified herein as Developer and who is personally known to me or who has produced

FDL # M320-076-41- (Type of Identification)
131-0

as identification and who did/did not take an oath.

NOTARY SEAL:



Malvina Glenn
Notary Public

Malvina Glenn
Print Name of Notary

Commission No. DD 09806 My Commission Expires 5/2/06

Approved and accepted for and on behalf of Manatee County, Florida, this 14th day of September, 19 2004

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Gene W. Williams
Chairman

ATTEST: By: R.B. Shore
R.B. Shore
Clerk of the Circuit Court



1532

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE AND BORDER. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



2422

2251 ROMBACH AVE.
P.O. BOX 1000
WILMINGTON, OH 45177-1000
937-382-1000

CASHIER'S CHECK

4679812895

69-35
519

August 03, 2004

PAY ***\$2,500 DOLLARS AND 00 CENTS**

DOLLARS ***\$2,500.00

TO
THE
ORDER
OF

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS

[Signature]
AUTHORIZED SIGNATURE

MP

PAID THROUGH
AT
WARLESTON, WV

Re: BOBBY MADDOX

TWO SIGNATURES REQUIRED IF OVER \$100,000.

MP

+1051900353100467 98128954

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2422

2251 ROMBACH AVE.
P.O. BOX 1000
WILMINGTON, OH 45177-1000
937-382-1000

CASHIER'S CHECK

4679814589

69-35
519

September 09, 2004

PAY *****\$38 DOLLARS AND 64 CENTS**

DOLLARS *****\$38.64

TO
THE
ORDER
OF

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS

[Signature]
AUTHORIZED SIGNATURE

MP

PAID THROUGH
AT
WARLESTON, WV

Re: BOBBY MADDOX

TWO SIGNATURES REQUIRED IF OVER \$100,000.

MP

+1051900353100467 98145892

Maddox Commercial Building
Row use Permit 120-03-097

ACCEPTED IN OPEN SESSION Sept 14, 2004
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

TO: Lori Bryan, Accounts Payable Supervisor
FROM: Vicki Tessmer, Board Records Supervisor
RE: Cashier's Check Release
DATE: January 9, 2013



Please release **Liberty Savings Bank Cashier's Check 4679812895 (\$2,500) and Cashier's Check 4679814589 (\$38.64)** in the amount of **\$38.64** accepted by the Board of County Commissioners on September 14, 2004, (Account Key #101 000000 229500 / 02500363002). **Total Refunded Amount \$2,538.64**

Supporting material is attached for your information.

INSTRUCTIONS: Please return check to:
Cheryl Maddox
10540 Lebanon Street
Myakka City, Florida 34251

Also please **forward a copy** of the check to **Board Records, Attn: Vicki Jarratt.**

Thank you for your assistance.

Attachments

**MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS
AUDIT SLIP**

BR0001

AUDIT SLIP NUMBER

Cheryl Maddox

Vendor Name

10540 Lebanon Street

Address

Myakka City Florida 34251

City State Zip Code

Phone number

I hereby certify that the materials or services have been received, inspected and found satisfactory for the purpose for which they were purchased.
(ONLY COMPLETE IF ITEMS HAVE BEEN RECEIVED)

Received by

Date

Vicki Tessmer

Payment Authorization by:

Vicki Tessmer

Dept/Div

Vicki Tessmer

Contact Person

Ext. 4180

Phone

REASON FOR PURCHASE **BOND RELEASE (see backup attachment)**

ITEM	GENERIC DESCRIPTION	QTY	UNIT	AMOUNT	ACCT KEY	OJB	JL NUMBER	ACTIVITY
1	Maddox Commercial Bldg	1		\$2,500	101000000022955/02500363002			
2	Maddox Commercial Bldg	1		\$38.64	101000000022955/02500363002			

TOTAL AMOUNT \$ **\$2,538.64**

MANATEE COUNTY
FINANCE USE ONLY

DESC _____

PE ID _____

PO | _____

INV NUMBER _____

INV AMT \$ _____

INV DATE _____

DUE DATE _____

TERMS _____

DISCOUNT _____

SEP CK _____

RELATE CODES _____

SEC REF _____

DIVISION _____

VENDOR ACCT# _____



TO: Finance Department

FROM: Susan Romine, Board Records Supervisor

Re: Maddox Commercial Building, Right-Of-Way Use Permit 120-03-097

Date: September 16, 2004

Please set up an account for Liberty Savings Bank Cashier's Check 4679812895 (\$2,500) and Check 4679814589 (\$38.64) in the amount of \$2,538.64, accepted by the Board of County Commissioners on September 14, 2004, in conjunction with agreement for warranting required improvements.

Supporting Material is attached for your information.

Thank you for your assistance.

Attachments

1010000000219500/02500363002



MANATEE COUNTY
 Board of County Commissioners
 P.O. Box 1000
 Bradenton, FL 34206-1000

DISBURSEMENT ACCOUNT
 APPROVED IN OPEN SESSION
 VOID AFTER 90 DAYS

Bank of America 63-588
 631

Check No. 00917902

Check Date 01/17/13

PAY THIS AMOUNT
 \$ *****2,538.64

PAYABLE IN US DOLLARS

PAY TWO Thousand FIVE Hundred THIRTY EIGHT Dollars and SIXTY FOUR Cents

TO THE ORDER OF:

 CHERYL MADDOX*****
 10540 LEBANON ST
 MYAKKA CITY, FL 34251

CHAIRMAN-BOARD OF COUNTY COMMISSIONERS

ATTEST: M. B. SHORE
 CLERK OF CIRCUIT COURT

REFERENCE NO	INVOICE NUMBER	DESCRIPTION	ACCOUNT NUMBER	AMOUNT
	4679812895	BOND REL MADDOX, CHERYL	101000000022950002500363002	2,500.00
	4679814589	BOND REL MADDOX, CHERYL	101000000022950002500363002	38.64

VENDOR NAME CHERYL MADDOX	CHECK DATE 01/17/13	CHECK TOTAL 2,538.64	VENDOR NO. V018532	CHECK NO. 00917902
-------------------------------------	-------------------------------	--------------------------------	------------------------------	------------------------------

TAX EXEMPT I.D. 51-02-027548-53C

MANATEE COUNTY
 BOARD OF COUNTY COMMISSIONERS
 FOR INQUIRIES CALL (941) 749-1800