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MEMORANDUM



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

MANATEE COUNTY FLORIDA

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

Thru: Carmen Mosley, Fiscal Operations Division Manager *C. Mosley*

From: Jane Oliver, Bond Coordinator *Jane Oliver*

APPROVED IN OPEN SESSION

Date: January 18, 2013

JAN 19 2013

Subject: FOREST CREEK, PHASE II-B, SUBPHASE B
PDR-03-53/11-S-21 (F)
ACCEPT FINAL WEARING COURSE AGREEMENT

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".

- **Acceptance of** and authorization for Chairman to execute the *Agreement for Final Wearing Course of Asphalt on Roadways (Privately Maintained Roadways)*. This Agreement is in conjunction with the *Required Improvements Agreement and Temporary Construction Easement for Private Improvements* securing the final lift of asphalt previously accepted by the Board of County Commissioners (see below)
- **Surety Bond No. 5039466** securing Private Improvement Agreement.
- **Amount of \$16,824.11** for Private Improvement Agreement

cc: Records Management
James Schier, Forest Creek Asc. LLC
Carmen Mosley, Fiscal Services Manager, Public Works Dept

Attachment

Original to Jane Oliver 1/31/13 (vj)

For: Forest Creek, Ph IIB-Subph B
(Name of Project)

**AGREEMENT FOR FINAL WEARING COURSE
OF ASPHALT ON ROADWAYS
(Privately Maintained Roadways)**

THIS AGREEMENT is made and entered into by and between Manatee County, a political subdivision of the State of Florida (County), and **FOREST CREEK ASSOCIATES, LLC** (Developer), concerning the placement of the final wearing course of asphalt on roadways.

RECITALS

WHEREAS, Developer has posted payment and performance bonds with the County for the installation of certain subdivision improvements within the final subdivision plat known as **FOREST CREEK, PHASE IIB – SUBPHASE B**. All such improvements are hereinafter referred to as the “Required Improvements”; and

WHEREAS, Developer has completed said Required Improvements to the County’s satisfaction with the exception of the placement of the final wearing course of asphalt on the roadways; and

WHEREAS, both the County and Developer are desirous of delaying the installation of the final wearing course of asphalt so that it is not marred by construction traffic.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth below, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree to Paragraphs 1 through 4 as follows:

ACCEPTED IN OPEN SESSION

JAN 29 2013

(Final Wearing Course Agree)

For: Forest Creek, Ph IIB-Subph B
(Name of Project)

1. Developer will post one or more new payment and performance bonds for the final wearing course of asphalt which is to be installed by the Developer within one (1) year of the date of the new payment and performance bonds unless otherwise extended by mutual consent of the County and Developer.
2. The County agrees to release the existing Subdivision Completion Bonds, simultaneously with the acceptance of the payment and performance bonds for the final wearing course of asphalt.
3. Developer agrees to be responsible for the maintenance of the roadways until such time as the final wearing course of asphalt is installed by the Developer and accepted for maintenance by the Homeowner's Association.
4. County agrees to accept these measures as adequate security necessary to insure the installation, guarantees, and maintenance of said improvements and to issue Final Certificates of Occupancy for any units or other building that have been conditioned upon completion of the Required Improvements.

(Final Wearing Course of Asphalt)

For: Forest Creek, Ph IIB-Subph B
(Project Name)

SIGNED AND SEALED this 12 day of December, 2012

WITNESSES:

Jolin H. Solie
Witness
Jolin H. Solie

Sandi Owens
Type or Print Name
Witness

SANDI OWENS
Type or Print Name

Forest Creek Associates, LLC
Developer

BY: James Schier
Signature
James Schier, Manager
Type or Print Name

Title (If attorney-in-fact Attach Power of Attorney)
8210 Lakewood Ranch Blvd.
Postal Address
Bradenton FL 34202
City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: Florida
COUNTY OF: Manatee

The foregoing instrument was acknowledged before me this 12th day of December, 2012, by JAMES R. SCHIER, as Manager, (Title), on behalf of the corporation identified herein as Developer and who is personally known to me or who has produced (Type of Identification) as identification.

NOTARY SEAL:



Sherry S. Doddeema
Notary Public
SHERRY S. DODDEEMA
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 29th day of January, 2013.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Larry Bustle
Chairman

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

