

For: Old Mill Preserve
Final Lift of Asphalt
(Name of Project)

**REQUIRED IMPROVEMENTS AGREEMENT AND TEMPORARY
CONSTRUCTION EASEMENT FOR PRIVATE IMPROVEMENTS**

(Required with a Surety Bond (Attachment "B") as security guaranteeing completion of Required Improvements, Form No. 8417)

WHEREAS, THE RYLAND GROUP, INC. a Maryland corporation (Developer) has made application to Manatee County, Florida (County), for approval of a proposed subdivision or final site plan identified as **OLD MILL PRESERVE (f/k/a JACKLYN OAKS)** (Project), the legal description for which is more particularly described in Exhibit "A", previously submitted and on file with the Clerk of the Circuit Court; and

WHEREAS, the Manatee County Land Development Code, Ordinance 90-01, requires that a final subdivision plat not be approved for recording, and that a Certificate of Occupancy not be issued in accordance with final site plan approval, until certain improvements required by the Land Development Code or required as a condition of approval of the plat or site plan (Required Improvements) have been duly constructed, completed, and approved, unless the Developer has provided performance security guaranteeing to the satisfaction of the County that such improvements will be duly constructed, completed, and approved; and

WHEREAS, in connection with the Project the Developer has submitted construction drawings for the Required Improvements which are on file with and have been approved by the County; and

WHEREAS, the Developer desires to obtain approval of the Project prior to installation of the Required Improvements.

WHEREAS, the developer has submitted a cost estimate certificate by the Engineer of Record to be an accurate reflection of the cost to complete the remaining Required Improvements, and the Surety Bond referred to below is in an amount which represents at least 200% of that estimated cost with a 3% administrative fee; and

WHEREAS, the Required Improvements shall be privately owned necessitating additional covenants and protections for the County and the public in the event that the Developer fails to complete the Required Improvements; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

ACCEPTED IN OPEN SESSION 4.22.13
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

(Pvt Impv Agree)

For: Old Mill Preserve
(Name of Project)

1. That the Developer, in consideration of the County's approval of the proposed Project, and for other valuable consideration, hereby agrees to duly construct and complete the Required Improvements and to otherwise comply fully with the Land Development Code, any conditions of the Project's approval, and all other applicable regulations, requirements and agreements.

2. Developer and INTERNATIONAL FIDELITY INSURANCE COMPANY, a Surety Company duly authorized to transact business in the State of Florida (Surety) are held and firmly bound unto the County as obligee/owner in the amount of SEVENTY-FOUR THOUSAND EIGHT HUNDRED THIRTY-NINE & 80/100 Dollars (words) \$74,839.80 (numbers), and the Developer herewith tenders to the County a Surety Bond, No. 0583825, dated MARCH 1, 2012, and SURETY BOND VERIFICATION dated FEBRUARY 11, 2013 with INTERNATIONAL FIDELITY INSURANCE COMPANY, in the amount of SEVENTY-FOUR THOUSAND EIGHT HUNDRED THIRTY-NINE & 80/100 Dollars (words) \$74,839.80 (numbers). Said Bond shall not expire until the Required Improvements guaranteed by this Bond has been accepted by the County.

3. That in consideration of the foregoing, it is hereby mutually AGREED as follows:
 - (a) The Developer shall complete to the satisfaction of the County all Required Improvements on or before the 27TH day of APRIL, 2014 in accordance with the construction drawings or any amendments thereto approved by the County, and unless the County elects to proceed in accordance with Paragraph (b) below, the Surety, upon thirty (30) days written notice of the default from the County will cause to be completed the Required Improvements pay all costs, thereof, including without limitation all engineering, legal and contingent costs.

 - (b) In the event the Developer should fail or refuse to fulfill within the time specified its obligations under this Agreement, the County, at its option, shall have the right to enter upon that portion of the Project property, as determined necessary by the County and take all actions required to construct and complete, or cause to be constructed the Required Improvements. In the event the County should exercise such right, the County shall have the unqualified right to draw funds for the purpose of construction and completing the Required Improvements, or causing the same to be done, and for paying costs incidental to the exercise of its rights hereunder, in such amount as the County shall in its sole discretion determine, in accordance with the terms of the Surety Bond. The Developer shall indemnify and save harmless the County against or from all claims, costs, expenses, damages, injury, or loss, either direct or consequential, including without limitation all engineering, legal, and contingent costs which the county may sustain on account of the failure of the Developer to fulfill its obligations as described herein.

(Pvt Impv Agree)

For: Old Mill Preserve
(Name of Project)

- (c) The Developer, his successors and assigns, hereby grants a temporary easement over property in the Project as necessary to allow the County to complete the Required Improvements.
 - (d) Should it become necessary for the County to complete the Required Improvements, the Developer hereby appoints the County as its agent for the purposes of using the approvals granted for the required improvements.
4. The Developer agrees that it is liable to the County for all costs and damages, as described above, that the County may incur in connection with constructing and completing the Required Improvements for the life of the Project, without regard to the amount of the Surety Bond identified above. Should the Developer fail or refuse to complete the Required Improvements, as required, nothing herein shall be construed as affecting the County's right to resort to any and all legal and equitable remedies against the Developer, including specific performance, to which the Developer hereby agrees.
 5. The Developer understands and agrees that in the event that the Required Improvements are not constructed or installed in the manner or time consistent with this Agreement, the County shall withhold further permits or approvals for the Project until the Required Improvements have been completed or adequate progress, as determined by the Board of County Commissioners, toward completion of the Required Improvements has been demonstrated.
 6. Upon the County's completion of private improvements, the improvement shall be transferred to the Homeowner's Association or that entity set up in the deed restrictions to be responsible for ongoing maintenance of the improvements. In no event shall public funds be used for the maintenance of private improvements, unless they are dedicated to and accepted by the County.

(Pvt Imp./Surety- Developer is Corp.)

For: Old Mill Preserve

SIGNED AND SEALED this 19 day of February, 2013

WITNESSES:

Virginia Spencer
Witness

Virginia Spencer
Type or Print Name

Denise Paxson
Witness

Denise Paxson
Type or Print Name

THE RYLAND GROUP, INC.
Subsequent Developer

BY: [Signature]
Signature

Kevin D. Huff
Type or Print Name

Assistant Vice President

Title (If attorney-in-fact Attach Power of Attorney)

9426 Camden Field Parkway

Postal Address

Riverview, FL 33578

City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: FLORIDA

COUNTY OF: HILLSBOROUGH

The foregoing instrument was acknowledged before me this 19 day of February ~~2012~~ ²⁰¹³ by Kevin D. Huff, as Assistant VP, Ryland Group, (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:



[Signature]

Notary Public

Susan Greene
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 23 day of APRIL, 2013

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]
Chairman

ATTEST: [Signature] Deputy Clerk
R. B. Shore, Clerk of the Circuit Court





International Fidelity
INSURANCE COMPANY

International Fidelity Insurance Company
Los Angeles Regional Office
233 Wilshire Boulevard,
Suite 820
Santa Monica, CA 90401

SURETY BOND VERIFICATION

Bond Number: 0583825

Type of Bond: Surety Bond

Name of Principal: The Ryland Group, Inc., a Maryland corporation

Obligee: County of Manatee, State of Florida

Carrier: International Fidelity Insurance Company

Description: Old Mill Preserve (f/k/a Jacklyn Oaks)

Effective Date: 3/01/2012

Limit: \$74,839.80

This is to certify that the surety has not terminated its suretyship under the above described bond and that such bond according to its records is still in full force and effect.

Signed, sealed and notarized this 11th day of February, 2013 .

By:

Patricia Talavera, Attorney-In-Fact

ACCEPTED IN OPEN SESSION 4.23.13
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

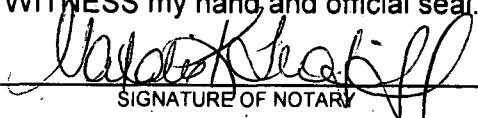
County of Los Angeles

On FEB 11 2013 before me, Natalie K. Trofimoff, Notary Public

personally appeared, Patricia Talavera

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

DESCRIPTION OF ATTACHED DOCUMENT:

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES: _____ **DOCUMENT DATE:** _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name: _____

Signer's Name _____

INDIVIDUAL

INDIVIDUAL

CORPORATE OFFICER
Title(s) _____

CORPORATE OFFICER
Title(s) _____

PARTNER(S) LIMITED GENERAL

PARTNER(S) LIMITED GENERAL

ATTORNEY-IN-FACT

ATTORNEY-IN-FACT

TRUSTEE(S)

TRUSTEE(S)

GUARDIAN/CONSERVATOR

GUARDIAN/CONSERVATOR

OTHER: _____

OTHER: _____

Signer is representing:

Signer is representing:

NAME OF PERSON(S) OR ENTITY(IES)

NAME OF PERSON(S) OR ENTITY(IES)

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

PATRICIA TALAVERA, BRENDA WONG, TENZER V. CUNNINGHAM, NATALIE K. TROFIMOFF,
CESAR F. JAVIER, JEFFREY STRASSNER

Los Angeles, CA.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



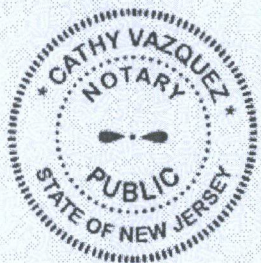
IN TESTIMONY WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March, 27, 2014

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of

FEB 11 2013

Assistant Secretary

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.mymanatee.org

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

Thru: Carmen Mosley, Fiscal Operations Division Manager

From: Jane Oliver, Bond Coordinator

Date: April 11, 2013

Subject: OLD MILL PRESERVE (f/k/a JACKLYN OAKS)
PDR-03-41/07-S-41 (F)
RELEASE DEFECT SECURITY AGREEMENT
RELEASE SURETY BOND

APPROVED IN OPEN SESSION

APR 23 2013

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 in Conjunction with Surety Bond (Attachment "A") as Defect Security Warranting Required Improvements* in the amount of \$141,902.40 securing infrastructure improvements;
- **Authorization to release and return** the following Surety Bond, and any riders associated with this Surety Bond, in conjunction with the above referenced agreement. Documents will be returned to Kevin Huff with The Ryland Group, Inc. located at 9426 Camden Field Parkway, Riverview, FL 33578;
 - **Surety Bond** No. 0583826 issued through International Fidelity Insurance Company;
 - **Amount** of Defect Security \$141,902.40.

CM/jo

cc: Records Management
Sia Mollanazar, P.E., Deputy Director – Engineering Services
Chad Butzow, P.E., Deputy Director – Field Services Operations
Mickey Lutz, Maintenance Operations Division Manager
Andy Fischer, Infrastructure Inspections Division Manager
Lori Katzman, The Ryland Group
International Fidelity Insurance Co.

ORIGINALS to Jane Oliver 4-26-13 vj

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
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Date: April 11, 2013

Subject: OLD MILL PRESERVE (f/k/a JACKLYN OAKS)

PDR-03-41/07-S-41 (F)

RELEASE PRIVATE IMPROVEMENTS AGREEMENT

SECURING FINAL LIFT OF ASPHALT

ACCEPT PRIVATE IMPROVEMENTS EXTENSION AGREEMENT

SECURING FINAL LIFT OF ASPHALT

ACCEPT VERIFICATION CERTIFICATE

APPROVED IN OPEN SESSION

APR 23 2013

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 *Required Improvements Agreement and Temporary Construction Easement for Private Improvements* in the amount of \$74,839.80 securing the private final lift of asphalt;

PLEASE DO NOT RELEASE SURETY BOND NO. 0583825. This Surety will be used to secure the one (1) year required private final lift of asphalt improvements extension agreement, (see below).

- **Acceptance of** and authorization for Chairman to execute the *Required Improvements Agreement and Temporary Construction Easement for Private Improvements*. **This Agreement will be for a one (1) year extension, secured by a Surety Bond previously accepted by the Board of County Commissioners.**
- **Acceptance of**, the Verification Certificate in conjunction with the above agreement;

Vicki Tessemer – Old Mill Preserve
April 11, 2013
Page 2

- **Surety Bond No 0583825**, Verification Certificate dated February 11, 2013 issued through International Fidelity Insurance Company;
- **No Extension Date Given – Remains in Force;**
- **Amount of Performance Bond \$74,839.80.**

cc: Records Management
Andy Fischer, Infrastructure Inspections Division Manager
International Fidelity Insurance Co.

Attachments