

For: Artisan Lakes
Master Pump Station
(Name of Project)

**AGREEMENT IN CONJUNCTION WITH
SURETY BOND (Attachment "A") AS DEFECT SECURITY
WARRANTING REQUIRED IMPROVEMENTS**

WHEREAS, TAYLOR WOODROW COMMUNITIES AT ARTISAN LAKES, LLC.
(Developer) has constructed certain Required Improvements as a condition of approval of a subdivision or final site plan identified as ARTISAN LAKES MASTER PUMP STATION (Project); and,

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

WHEREAS, the Developer is requesting the County to accept for maintenance certain of these Required Improvements; and,

WHEREAS, the Manatee County Land Development Code, Ordinance 90-01, requires that this Security, which represents an amount equal to ten percent (10%) of the actual installation costs of the Required Improvements which the Developer is presently requesting the County to accept for maintenance, be executed prior to their acceptance by the County.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

1. That the Developer herewith tenders unto the County a Surety Bond No. 0176160 dated MAY 16, 2013 in the amount of \$155,345.82 (Numbers), ONE THOUSAND FIVE HUNDRED FIFTY-FIVE THREE HUNDRED FORTY-FIVE & 82/100 (Words), appended hereto and made a part hereof as **Attachment "A"** guaranteeing that the BERKLEY INSURANCE COMPANY (Surety Company), as Surety on the bond, shall pay this sum to Manatee County in accordance set forth herein.

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 is presently requesting the County to accept for maintenance, (Defects) which appear within thirty-six (36) months from the date of the County's approval and acceptance of those required Improvements as evidenced by County's execution of this document.

JUL 30 2013

- B. After identifying any such Defects, the County, after providing at least ten (10) days written notice to the Developer 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 herein. The costs of correcting shall include all costs of correcting 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 may be released to the Surety upon a finding by a County Engineer that no further defects have been discovered.

Alternatively, the Developer, with the concurrence and at the option of the County, may undertake to correct such Defects itself upon posting additional security acceptable to the County.

2. Developer warrants the Required Improvements to be free from Defects, and agrees to indemnify and pay to the County the full cost of correction of any such Defects appearing within thirty-six (36) months of the date of the County's acceptance of the improvements without regard to the amount of this Security. Developer agrees to the use of the funds by the County as provided herein.

(Defect Security- Developer is Corp.)

FOR: Artisan Lakes Master Pump Station

SIGNED AND SEALED this 21 day of June, 2013

WITNESSES:

[Signature]
Witness

Drew Miller
Type or Print Name

[Signature]
Witness

David Truxton
Type or Print Name

**Taylor Woodrow Communities
of Artisan Lakes LLC**

Developer

BY: [Signature]
Signature

Nice President
Type or Print Name

John Steven Kempton
Type or Print Name

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

551 N. Cattlemen Rd Suite 200
Postal Address

Postal Address

Sarasota FL 34232
City State Zip

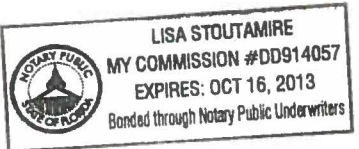
NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF: Sarasota

The foregoing instrument was acknowledged before me this 21 day of June, 2013
by John Steven Kempton as Vice President, (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
Lisa Stoutamire

Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 30th day of July, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: [Signature]
Chairman

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



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 Supervisor, Clerk of the Circuit Court

Thru: Carmen Mosley, Fiscal Operations Division Manager

From: Jane Oliver, Bond Coordinator

Date: July 17, 2013

Subject: ARTISAN LAKES MASTER PUMP STATION
PDMU-05-54/FSP-06-32
RELEASE DEFECT SECURITY AGREEMENT
ACCEPT DEFECT SECURITY AGREEMENT

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 \$155,345.82;

PLEASE DO NOT RELEASE SURETY BOND NO 0176160. This Surety Bond will be used to secure the extension for the defect security agreement, (see below).

- **Acceptance of,** and authorization for Chairman to execute the following *Agreement in Conjunction with Surety Bond (Attachment "A") as Defect Security Warranting Required Improvements;*
 - **Surety Bond No. 0176160** issued through Berkley Insurance Company accepted by the Board of County Commissioners on June 18, 2013;
 - **Amount of Security** \$155,345.82.

CM/jo

APPROVED IN OPEN SESSION

cc: Records Management
Sia Mollanazar, P.E., Deputy Director – Engineering Services
Chad Butzow, P.E., Deputy Director – Field Services Operations
Andy Fischer, Infrastructure Inspections Division Manager
Darenda Marvin, Agent for the Developer

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**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**