

# MEMORANDUM



To: Carmen Mosley, Sr. Fiscal Services Mgr.  
Public Works Department

*C. Mosley*

From: Brandy Wilkins, Bond Coordinator  
Public Works Department

*B. Wilkins*

Date: November 16, 2021

Subject: **GREYHAWK LANDING WEST PHASE IV-A  
PDR-04-11/15-S-38(F) DTS#20150302  
RELEASE DEFECT SECURITY AGREEMENT  
RELEASE SURETY BOND**

For your information, the following form of action is required. On March 28, 2017, the Board of County Commissioners accepted a defect security agreement securing sanitary sewer, water distribution, irrigation & miscellaneous for Greyhawk Landing West Phase IV-A. On October 13, 2021, the Developer passed the defect inspection conducted by the Public Works Infrastructure Inspections Division. The developer has provided all required documents and completed the three (3) year period warranting all the public improvements secured by this Agreement and required by Manatee County to release this Agreement and security. We, therefore, per Resolution R-14-86, respectively request approval of the following:

- **Authorization to release** the following *Agreement in Conjunction with Surety Bond (Attachment "A") as Defect Security Warranting Required Improvements* securing public improvements in the amount of \$99,979.29;
- **Authorization to release and return** the following Surety Bond, and any riders associated with this surety bond. Documents will be returned to William Wigchers with Greyhawk Landing West, LLC located at 7482 Professional Parkway East, Bradenton, FL 34240;

**Surety Bond No. 285054061 issued through Liberty Mutual Insurance;**

- **Amount of Defect Bond \$99,979.29.**

cc: Records Management  
Dean Paquet, Kimley-Horn

Public Works Department  
Fiscal Division  
1022 26<sup>th</sup> Avenue East, Bradenton, FL 34208  
Phone number: (941) 708-7450

JAMES  
SATCER  
*District 1*

REGGIE  
BELLAMY  
*District 2*

KEVIN  
VAN OSTENBRIDGE  
*District 3*

MISTY  
SERVIA  
*District 4*

VANESSA  
BAUGH  
*District 5*

CAROL  
WHITMORE  
*At Large*

GEORGE W.  
KRUSE  
*At Large*

**SURETY BOND  
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

(Attachment "A")

BOND NO. 285054061

PROJECT NAME: Greyhawk Landing West, Phase IV-A-  
(Private Subdivision)

**KNOW ALL MEN BY THESE PRESENT:**

That the Developer, GREYHAWK LANDING WEST, LLC as Principal, and LIBERTY MUTUAL INSURANCE COMPANY, a Surety Company, duly authorized to transact business in the State of Florida, are held and firmly bound unto the County of Manatee, State of Florida, as Obligee, in the sum of \$ 99,979.29 (Numbers) Ninety nine thousand nine hundred seventy nine and 29/100 (Words) for which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents for the specific benefit of the County in accordance with the conditions set forth herein and in "Agreement for Public Subdivision Improvements".

**THE CONDITION** of the above obligation is such that, Whereas the Principal has entered into a contract, dated \_\_\_\_\_ (LEAVE BLANK - Manatee County Government approval date) with the obligation to warrant those Required Improvements which the Principal is presently requesting the Obligee to accept for maintenance to be free from defects or failures involving construction, design, or materials.

**NOW THEREFORE**, if the Obligee's inspection of the Required Improvements finds no defects within thirty six (36) months from the date of the Obligee's approval and acceptance of those Required Improvements, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect. In the event the Defects are not remedied in accordance with the terms of the attached "**Agreement**", which is hereby incorporated herein by reference, the Surety will forthwith pay to the Obligee the costs of correcting the Defects in an amount not exceeding the said sum specified above. The amount of money required to repair the defects shall be at the sole discretion of the County. Means of notification of intent to collect shall be by certified mail to the Surety at the address on page (2) Two (insert page number for surety address). Payment will be made to the County within thirty (30) days by certified check drawn on behalf of the Board of County Commissioners at P.O. Box 1000, Bradenton, FL 34206.

This Surety Bond shall be construed in accordance to the Laws of Florida, and any action of whatever nature, in connection with this Bond and the Agreement for Public Subdivision Improvements shall be filed in the Twelfth Judicial Circuit in and for Manatee County, Florida.

INSURANCE COMPANY SIGNATURE FORM

FOR: GreyHawk Landing West, Phase IV-A-(Private Subdivision)
(Name of Project)

BOND NO. 285054061

SIGNED AND SEALED this 18th day of November, 2016

LIBERTY MUTUAL INSURANCE COMPANY

Surety Company Name

By: Sandra M. Nowak

Signature - As its Agent

Sandra M. Nowak, Attorney-in-Fact

Print Name & Title

450 Plymouth Road, Suite 400

Address

Plymouth Meeting PA 19462

City State Zip

WITNESSES OR CORPORATE SEAL

[Signature of Derek Elston]

Signature

Derek Elston

Print Name

[Signature of Samantha Chierici]

Signature

Samantha Chierici

Print Name

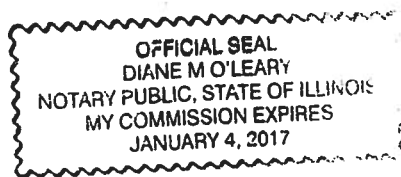
NOTARY ACKNOWLEDGMENT

STATE OF: Illinois

COUNTY OF Cook

The foregoing instrument was acknowledged before me this 18th day of November, 2016, by Sandra M. Nowak as Attorney-in-Fact (Title), on behalf of the Surety identified herein, and who is personally known to me or who has produced Drivers License (Type of Identification) as identification.

NOTARY SEAL:



[Signature of Diane M. O'Leary]

Notary Public

Diane M. O'Leary

Print Name of Notary

Commission No. 271963 My Commission Expires: 1/4/17

DEVELOPER SIGNATURE FORM

FOR: GreyHawk Landing West, Phase IV-A-(Private Subdivision)
BOND NO. 285054061

SIGNED AND SEALED this 18th day of November, 2016

WITNESSES OR CORPORATE SEAL:

Cathleen Hockers
Witness

Cathleen Hockers
Type or Print Name

Bethany Wadood
Witness

Bethany Wadood
Type or Print Name

GREYHAWK LANDING WEST, LLC

By: HBT of GreyHawk West LLC

Developer

By: Town Realty, Inc., Sole Member

BY: William A. Wigchers
Signature

William A. Wigchers

Type or Print Name

Vice President

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

7381 Professional Parkway East

Postal Address

Sarasota FL 34284

City State Zip

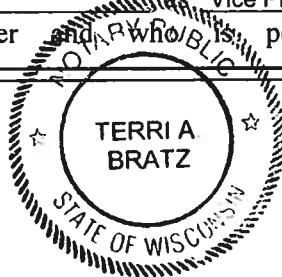
NOTARY ACKNOWLEDGMENT

STATE OF: Wisconsin

COUNTY OF: Milwaukee

The foregoing instrument was acknowledged before me this 18th day of November, 2016, by William A. Wigchers as Vice President, (Title), on behalf of the corporation identified herein as Developer who is personally known to me or who has produced (Type of Identification) as identification.

NOTARY SEAL:



Terri A. Bratz
Notary Public

Terri A. Bratz

Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this \_\_\_ day of \_\_\_, 20\_\_.

MANATEE COUNTY

A political subdivision of the State of Florida

By: Board of County Commissioners

By: \_\_\_
County Administrator

STATE OF: Florida

COUNTY OF: Manatee County

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_, 20\_\_, by Ed Hunzeker as County Administrator, (Title), for and on behalf of Manatee County Board of County Commissioners who is personally known to me or who has produced (Type of Identification) as identification.

NOTARY SEAL:

Notary Public

Print Name of Notary

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7346730

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

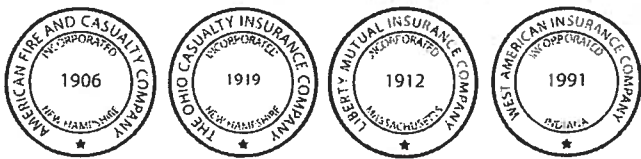
Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Christina L. Sandoval; Debra J. Doyle; Diane M. O'Leary; James B. McTaggart; Jennifer L. Jakaitis; Jessica B. Dempsey; Judith A. Lucky-Eftimov; Sandra M. Nowak; Sandra M. Winsted; Susan A. Welsh

all of the city of Chicago, state of IL each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 27th day of April, 2016.



American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 27th day of April, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

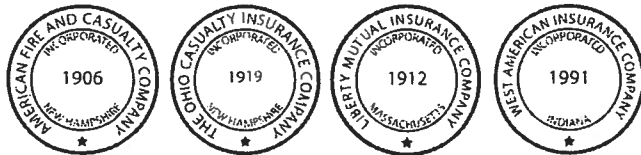
**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 18<sup>th</sup> day of November, 2016.



By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.