

# MEMORANDUM

ACCEPTED in Open Session  
12/14/2021

Manatee County Board of County  
Commissioners



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

From: Brandy Wilkins, Bond Coordinator *B. Wilkins*  
Public Works Department

Date: December 14, 2021

Subject: **COUNTRY CLUB EAST, SUBPHASE YY UNIT 1- LONGCLIFFE,  
UNIT 2- HAWKSTONE, UNIT 3 & 4- EAGLECLIFFE  
Z-86-30/16-S-26(F) DTS #20160242  
RELEASE DEFECT SECURITY AGREEMENT  
RELEASE SURETY BOND**

For your information, the following form of action is required. On June 20, 2017, the Board of County Commissioners accepted a defect security agreement securing potable water and sanitary sewer. On November 23, 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 potable water and sanitary sewer improvements in the amount of \$97,513.23;
- **Authorization to release and return** the following Surety Bond, and any riders associated with this surety bond. Documents will be returned to Suzanne Fugate with LWR Development, LLC located at 14400 Covenant Way, Lakewood Ranch, FL 34202;

**Surety Bond No. 9156886** issued through Fidelity & Deposit Co of Maryland;

- **Amount** of Defect Bond \$97,513.23.

cc: Records Management  
Ken LaBarr, Infrastructure Inspections Division Manager  
Suzanne Fugate, LWR Development, LLC

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. 9156886

**KNOW ALL MEN BY THESE PRESENT:**

That the Developer, SLV II CCE Venture, LP, a Delaware limited partnership as Principal, and Fidelity and Deposit Company of Maryland, 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 Ninety Seven Thousand Five Hundred Thirteen and 23/100 Dollars (\$97,513.23) 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 01/20/2017 (LEAVE BLANK - Board of County Commission 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.

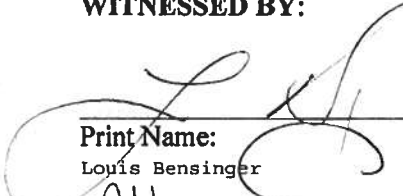
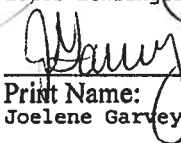
**NOW THEREFORE**, if the Obligee's inspection of the Required Improvements finds no defects within thirty six (36) months from the date of the Obligee's approval and acceptance of those Required Improvements, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect. In the event the Defects are not remedied in accordance with the terms of the "**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. 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.

FOR: CCE @ LWR Subphase YY, Unit 1 Longcliffe,  
Unit 2 Hawkstone, Units 3 & 4 Eaglescliffe  
Potable Water & Sanitary Sewer  
(Name of Project)  
BOND NO. 9156886


SIGNED AND SEALED this 28th day of April, 2017.

WITNESSED BY:

  
\_\_\_\_\_  
Print Name: Louis Bensinger  
  
\_\_\_\_\_  
Print Name: Joelen Garvey

SURETY:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By:   
\_\_\_\_\_  
Print Name: Kathleen M. Coen  
Title: Attorney in Fact




ADDRESS:  
1299 Zurich Way  
Schaumburg, IL 60196-1056

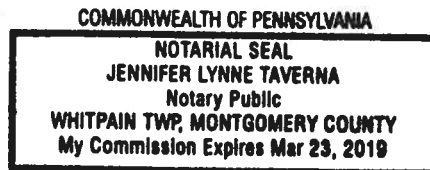
NOTARY ACKNOWLEDGMENT

STATE OF: Pennsylvania  
COUNTY OF: Montgomery

The foregoing instrument was acknowledged before me this 28th day of April, 2017, by Kathleen M. Coen, as Attorney in Fact (Title) on behalf of the Surety identified herein, and who is personally known to me or who has produced Pennsylvania Drivers License (Type of Identification) as identification.

NOTARY SEAL:

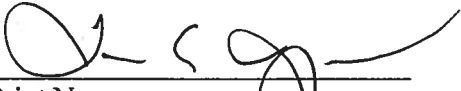

  
\_\_\_\_\_  
Notary Public  
Jennifer Lynne Taverna  
Print Name of Notary  
Commission No. NA  
My Commission Expires: 3/23/2019



FOR: CCE @ LWR Subphase YY, Unit 1 Longcliffe,  
Unit 2 Hawkstone, Units 3 & 4 Eaglescliffe  
Potable Water & Sanitary Sewer  
(Name of Project)  
BOND NO. 9156886

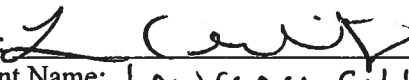
SIGNED AND SEALED this 1 day of May, 2017.

WITNESSED BY:

  
Print Name: Lori E. Joyce  
  
Print Name: Jennifer LaFumina

PRINCIPAL:

SLV II CCE VENTURE, LP, a Delaware  
limited partnership

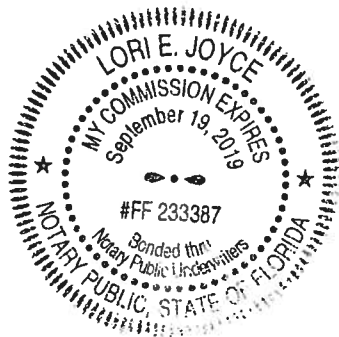
By:   
Print Name: Lawrence Golditz  
Title: Authorized Signatory

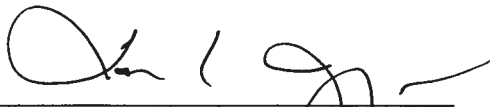
ADDRESS:  
6310 Capital Drive, Suite 130  
Lakewood Ranch, FL 34202

NOTARY ACKNOWLEDGEMENT

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 1 day of May, 2017, by Lawrence Golditz, as Authorized Signatory of SLV II CCE Venture LP, a Delaware limited partnership, on behalf of the partnership, and who is personally known to me or has produced \_\_\_\_\_ as identification.



  
Notary Public  
Print Name: Lori E. Joyce  
Commission Exp.: 9/19/19  
Commission No.: FF 233387

FOR: CCE @ LWR Subphase YY, Unit 1 Longcliffe,  
Unit 2 Hawkstone, Units 3 & 4 Eaglescliffe  
Potable Water & Sanitary Sewer  
(Name of Project)  
BOND NO. 9156886

Approved and accepted for and on behalf of Manatee County, Florida, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

MANATEE COUNTY  
A political subdivision of the State of Florida

By: Board of County Commissioners

By: \_\_\_\_\_  
County Administrator

**NOTARY ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 2017, 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  
Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Gary J. GIULIETTI, Holly L. LYNCH, Kathleen M. COEN and Chelsy Lee ALIGIZAKIS, all of Farmington, Connecticut, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.


The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 3rd day of May, A.D. 2016.

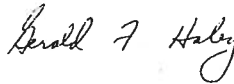
**ATTEST:**

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: 

*Secretary  
Michael McKibben*



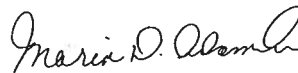
*Vice President  
Gerald F. Haley*

State of Maryland  
County of Baltimore

On this 3rd day of May, A.D. 2016, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President, and MICHAEL MCKIBBEN, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.





*Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2019*

