

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: **SOLEIL PHASE II-B**
PDMU-06-16/12-S-33(P)/FSP-12-54(R2)
RELEASE DEFECT SECURITY AGREEMENT
RELEASE SURETY BOND

For your information, the following form of action is required. On September 11, 2018, the Board of County Commissioners accepted a defect security agreement securing sanitary sewer & potable water for Phase II Subphase B. On November 03, 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 sanitary sewer & potable water improvements in the amount of \$8,573.14;
- **Authorization to release and return** the following Surety Bond, and any riders associated with this surety bond. Documents will be returned to Joe Burgess with D.R. Horton, Inc., located at 12602 Telecom Drive, Tampa, FL 33637;

Surety Bond No. 9265542 issued through Fidelity & Deposit Company of Maryland;

- **Amount of Defect Bond \$8,573.14.**

cc: Records Management
Joe Burgess, D.R. Horton, Inc.

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

JAMES SATCHER 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
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OK
11/17/17
4/9

**SURETY BOND
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

(Attachment "A")

BOND NO. 09265542

PROJECT NAME: Soleil (f.k.a. The Enclave
at University Groves)

KNOW ALL MEN BY THESE PRESENT:

That the Developer, D.R. Horton, Inc. 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 \$8,573.14 --- (Numbers)
Eight Thousand, Five Hundred Seventy Three and 14/100 Dollars --- (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 of 3 (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: Soleil (f.k.a. The Enclave at University Groves)
(Name of Project)

BOND NO. 09265542

SIGNED AND SEALED this 31st day of October, 2017

Fidelity and Deposit Company of Maryland

Surety Company Name

By: Margaret A. Ginem

Signature - As its Agent

Margaret A. Ginem, Attorney-in-Fact & FL Licensed

Print Name & Title Resident Agent

1299 Zurich Way, 5th Floor

Address

Schaumburg, IL 60196-1056

City

State

Zip

c/o Willis of Florida, Inc.

4211 W. Boy Scout Blvd., Ste. 1000

Tampa, FL 33607

Inquiries: (813) 281-2095

WITNESSES OR CORPORATE SEAL

N/A

Signature

Print Name

N/A

Signature

Print Name

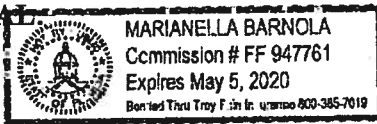
NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 31st day of October, 2017, by Margaret A. Ginem as Attorney-in-Fact (Title), on behalf of the Surety identified herein, and who is personally known to me or who has produced personally known (Type of Identification) as identification.

NOTARY SEAL



Marianella Barnola
Notary Public

Marianella Barnola

Print Name of Notary

Commission No. FF 947761 My Commission Expires: May 5, 2020

DEVELOPER SIGNATURE FORM

FOR: Soleil (f.k.a. The Enclave at University Groves)
BOND NO. 09265542

SIGNED AND SEALED this _____ day of _____, 2017
WITNESSES OR CORPORATE SEAL:

Witness
ANDY RICHARDSON
Type or Print Name
Andy Richardson

Witness
Carlos de la Ossa
Type or Print Name

D.R. Horton, Inc.
Developer
BY: _____
Signature
DARREN SALTZBERG
Type or Print Name

Title (If attorney-in-fact Attach Power of Attorney)
12602 Telecom Drive
Postal Address
Tampa, FL 33637
City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: Florida
COUNTY OF: Hillsborough
The foregoing instrument was acknowledged before me this 14th day of November, 2017,
by Darren M. Saltzberg, as DIVISION 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:



Michelle Faro
Notary Public
Michelle Faro
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

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 31st day of October, 2017.



David McVicker, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT ALL REQUIRED INFORMATION TO:

Zurich American Insurance Co.
Attn: Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056

**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 **MICHAEL BOND, 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 **David H. CARR, Anett CARDINALE, Margaret A. GINEM and Brandy L. BAICH**, all of Tampa, Florida, **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 October, A.D. 2017.

ATTEST:

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



By: _____
*Assistant Secretary
Dawn E. Brown*

*Vice President
Michael Bond*

State of Maryland
County of Baltimore

On this 3rd day of October, A.D. 2017, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **MICHAEL BOND, Vice President, and DAWN E. BROWN, Assistant 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.

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

