

MEMORANDUM



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

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

Date: August 18, 2020

Subject: **OSPREY LANDINGS**
PDR-13-44/15-S-44(F)
RELEASE DEFECT SECURITY AGREEMENT
RELEASE SURETY BOND

For your information, the following form of action is required. On February 23, 2016, the Board of County Commissioners accepted a defect security agreement securing paving, water, reclaimed, wastewater and drainage improvements. On July 17, 2020, 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 in order to release this Agreement and security.

- **Authorization to release** the following *Agreement for Private Subdivision with Public Improvements* securing paving, water, reclaimed, wastewater and drainage improvements in the amount of \$65,776.40;
- **Authorization to release and return** the following Surety Bond, and any Amendments associated with this Bond. Documents will be returned to Nina Duren with CG Land Services, located at 1901 Ulmerton Rd Ste# 475, Clearwater, FL 33762;
 - **Surety Bond** No. 4814155 issued through Developer's Surety Bond;
 - **Amount** of Defect \$65,776.40.

Instructions to Board Records

Copies of release request to: Julie Jensvold (Julie.jensvold@manateeclerk.com), Danielle Heaton (Danielle.heaton@manateeclerk.com), Robin Hamilton (Robin.hamilton@manateeclerk.com), and Brandy Wilkins (brandy.wilkins@mymanatee.org).

cc: Records Management
Ken LaBarr, Infrastructure Inspections Division Manager
Mike Galvin, CG Land Services

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

**SURETY BOND
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

(Attachment "A")

BOND NO. 481415S

KNOW ALL MEN BY THESE PRESENT:

That the Developer, 117 Investments, LLC as Principal, and ~~Developers Surety & Indemnity 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 \$65,776.40 (Numbers) Sixty Five Thousand, Seven Hundred and Seventy Six Dollars and Forty Cents (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 2/23/14 (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 (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: Osprey Landing
(Name of Project)

BOND NO. 481415S

SIGNED AND SEALED this 20th day of November, 20 15

~~Developers~~ Surety & Indemnity Co.

Surety Company Name
By: [Signature]

Signature - As its Agent
Daniel G. Bustle

Print Name & Title
1111 8th Ave W.

Address
Bradenton Florida 34205

City State Zip

WITNESSES OR CORPORATE SEAL

[Signature]
Signature
OLGA CINTRON
Print Name

[Signature]
Signature
Vicki Ellison
Print Name

NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF Manatee

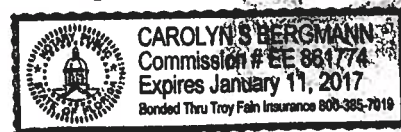
The foregoing instrument was acknowledged before me this 20th day of November, 20 15, by Daniel G. Bustle as Agent (Title), on behalf of the Surety identified herein, and who is personally known to me or who has produced _____ (Type of Identification) as identification.

NOTARY SEAL:

[Signature]
Notary Public

Carolyn S Bergmann
Print Name of Notary

Commission No. EE 861774 My Commission Expires: 1/11/17



DEVELOPER SIGNATURE FORM

FOR: Osprey Landing
BOND NO. 481415S

SIGNED AND SEALED this 29 day of October, 2015
WITNESSES OR CORPORATE SEAL:

[Signature]
Witness
Megan Calkins
Type or Print Name
Nina Duren
Witness
Nina Duren
Type or Print Name

117 Investments, LLC
Developer
BY: Mike Galvin
Signature
Mike Galvin
Type or Print Name

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

Postal Address

City State Zip

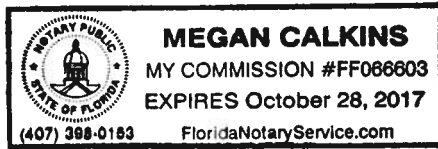
NOTARY ACKNOWLEDGMENT

STATE OF: Florida
COUNTY OF: Pinellas

The foregoing instrument was acknowledged before me this 29 day of October, 2015
by Mike Galvin, as Manager, (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
Megan Calkins
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 23rd day of
February, 2016.

MANATEE COUNTY

A political subdivision of the State of Florida
By: Board of County Commissioners
By: [Signature]

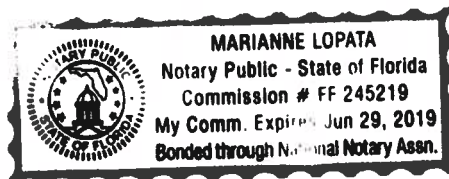
County Administrator 2/23/16

STATE OF: Florida
COUNTY OF: Manatee County

The foregoing instrument was acknowledged before me this 23 day of February, 2016,
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:



Marianne Lopata
Notary Public
Marianne Lopata
Print Name of Notary

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY**
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:
Lacy C. Taylor, John C. Laurie, Daniel G. Bustle, jointly or severally

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this January 29, 2015.

By: *Daniel Young*
Daniel Young, Senior Vice-President

By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On January 29, 2015 before me, Lucille Raymond, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)

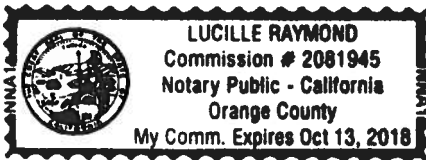
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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 _____

Lucille Raymond
Lucille Raymond, Notary Public



Place Notary Seal Above

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 20th day of November, 2015

By: *Cassie J. Berrisford*
Cassie J. Berrisford, Assistant Secretary

VERIFICATION CERTIFICATE

Surety: Developers Surety & Indemnity Company

Principal 117 Investments, LLC

OBLIGEE: Manatee County, Florida

DESCRIPTION Subdivision Improvements – Osprey Landing

BOND NO.: 481415S

BOND AMOUNT: **\$65,776.40**

EFFECTIVE DATE 11/20/2015

We consent to the extension of the agreement to 11/20/2021

This is to certify that this company has not terminated its suretyship under the above described bond and that such bond according to its records remains in full force and effect until released by the obligee.

Signed and Sealed this 12/27/2018

Developers Surety & Indemnity Company

By: Angelica Roman
Angelica Roman, Attorney-in-Fact

STATE OF Florida
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 27th of December, 2018.

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY**
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:
Stephen A. Murray, Kelly M. Hall, Daniel Pikar, Peder J. Fjare, Angelica Roman, Tina M. Haase, jointly or severally

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as said corporation could do, but reserving to said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this 4th day of October, 2018.

By: *Daniel Young*
Daniel Young, Senior Vice-President

By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On October 4, 2018 before me, Lucille Raymond, Notary Public
Date Here Insert Name and Title of the Officer

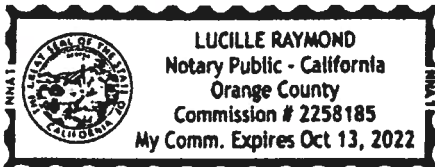
personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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 *Lucille Raymond*
Lucille Raymond, Notary Public



Place Notary Seal Above

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 27 day of December, 2018 .

By: *Cassie J. Barrisford*
Cassie J. Barrisford, Assistant Secretary

