

MEMORANDUM



To: Cheri Coryea
County Administrator

A handwritten signature in blue ink that reads "Chad Butzow".

Thru: Chad Butzow, Director
Public Works Department

From: Carmen Mosley, Sr. Fiscal Services Mgr./
Brandy Wilkins, Bond Coordinator
Public Works Department

Two handwritten signatures in blue ink. The first is "C. Mosley" and the second is "Brandy Wilkins".

Date: Aug 06, 2019

Subject: **MOSS CREEK PHASE I
PDMU-15-08/17-S-42(F)
RELEASE PERFORMANCE PORTION OF AGREEMENT
RELEASE SURETY BONDS
ACCEPT PERFORMANCE PORTION OF AGREEMENT FOR
FINAL LIFT OF ASPHALT
ACCEPT SURETY BOND
ACCEPT DEFECT SECURITY PORTION OF AGREEMENT
ACCEPT SURETY BOND
ACCEPT BILL OF SALE**

On February 13, 2018 the Board of County Commissioners accepted the *Agreement for Public Improvements for Private Subdivision* for Phase I, securing sanitary sewer system, potable water system and offsite improvements for the above referenced project. The Developer is also requesting to amend the *Agreement for Private Subdivision with Private Improvements* to include the final lift of asphalt, which will be privately maintained and was not completed at the time of release of performance and acceptance of the defect security. The developer has provided all necessary documentation and completed and passed all inspections for those required public improvements in order to release the performance portion (public improvements); and accept the defect security portion of the Agreement which will warrant these improvements for this project. A Bill of Sale is also required for this project which has publicly maintained utilities under private roadway. We, therefore, per Resolution R-14-86, respectively request the County Administrator to approve the following:

- **Authorization to release and return the Surety Bonds, and any riders associated with this Surety, in conjunction with the performance portion of the *Agreement for Public***

Public Works Department
Fiscal Division
1022 26th Avenue East, Bradenton, FL 34209
Phone number: (941) 708 7450

Improvements for Private Subdivision. Documents will be returned to Sandi Fussinetti with Smith Manus located at 2307 River Road #200, Louisville, KY 40206;

- **Surety Bond** No. K0960778A issued through Westchester Fire Insurance Company;
- **Amount** of Performance Bond \$1,275,563.07;
- **Surety Bond** No. K09607791 issued through Westchester Fire Insurance Company;
- **Amount** of Performance Bond \$1,974,911.93;

- **Accept, and Execute Surety Bond** securing Section 1.5 “Maintenance, Defects” of the *Agreement for Private Subdivision Improvements* accepted by the Board of County Commissioners on February 13, 2018 for Phase I securing sanitary sewer system, potable water system and offsite improvements;
 - **Surety Bond No.** K15757486 issued through Westchester Fire Insurance Company;
 - **Amount** of Defect Security \$88,416.54;
- **Accept Surety Bond** securing private final lift of asphalt improvements;
 - **Surety Bond No.** K15757759 issued through Westchester Fire Insurance Company;
 - **Amount** of Defect Security \$108,833.78
- **Accept and Execute Bill of Sale.**

cc: Records Management
Ken LaBarr, Infrastructure Inspections Division Manager
Matt Morris, Agent for the Developer

Attachments

RESOLUTION NO.R-14-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE DELEGATION OF CERTAIN AUTHORITY TO THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY REGARDING PERFORMAMCE SECURITIES AND DEFECT SECURITIES PURSUANT TO SECTION 910 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE; REPEALING RESOLUTION NO. R-08-169; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 910 of the Manatee County Land Development Code (the "Code") sets forth the procedures for approval of subdivision plats, including requirements for the posting of performance securities and defect securities with the County to secure the completion of certain public and private improvements; and

WHEREAS, pursuant to Resolution No. R-08-169, the Board of County Commissioners of Manatee County, Florida, (the "Board") delegated certain authority to the County Administrator and County Attorney to exercise the County's rights against such securities in accordance with the Code; and

WHEREAS, it is in the best interest of the public health, safety and welfare of the County for the Board to repeal Resolution No. R-08-169 in its entirety and replace it with this Resolution, to further implement the provisions of Section 910 of the Code; and

WHEREAS, the Board finds that by delegating the authority in the specific circumstances set forth herein, the County is better able to protect the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida:

Section 1. Findings. The findings set forth above are hereby adopted as findings of the Board and incorporated herein by reference.

Section 2. Delegation of Authority. The Board hereby delegates to the County Administrator and the County Attorney, and their respective designees, the authority to accept, hold and draw upon performance securities and defect securities posted with the County pursuant to Section 910 of the Code. Such authority shall apply to any subdivision for which (a) the Board has approved the subdivision plat and a related improvements agreement in accordance with Section 910 of the Code. Such authority shall include, without limitation, the following:

- i. The authority to accept, hold, maintain and, upon completion of required improvements or expiration of the required defect guaranty period,

release performance securities and defect securities posted with the County pursuant to Section 910 of the Code;

- ii. The authority to administer and exercise the County's rights under any related improvements agreement, and to release such improvements agreement in accordance with the provisions thereof upon full performance by the developer;
- iii. The authority to sign and issue upon the County's behalf any notices of default when a developer defaults in its obligations under an improvements agreement (such notices of default to be issued to the obligor in default of its obligations and to any third-party guarantor, including any entity holding a letter of credit or surety bond in the County's favor);
- iv. The authority to call upon any such third-party guarantor to complete the required work or to provide the guaranteed monies to the County for the completion of same (in accordance with the performance security or defect security and the related agreement);
- v. The authority to draw upon a performance security or defect security whenever the County has the right to do so and it is necessary to do so in order to protect the public interest; and
- vi. The authority of the County Attorney to initiate judicial or administrative proceedings to enforce the County's rights under a performance security or defect security and related improvements agreement.

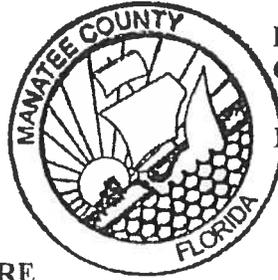
Such authority shall be vested concurrently in the County Administrator and the County Attorney. Should both such officials be unavailable, the authority shall rest with any Deputy County Administrator or any Assistant County Attorney designated in writing by the County Administrator or County Attorney, respectively.

Section 3. Repeal of Resolution No. R-08-169. Resolution No. R-08-169 is hereby repealed.

Section 4. Severability. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

PASSED AND DULY ADOPTED with a quorum present and voting this 9th day of September, 2014.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Larry Butts
Chairperson

ATTEST: R.B.SHORE
Clerk of the Circuit Court

By: Robin Liberty
Deputy Clerk

Moss Creek, Ph I– Private Residential Project w/Public Improvement
Sanitary Sewer System, Water & Fire Dist System, Off-Site Improvements
DEFECT - Sanitary Sewer System, Potable Water System and Offsite Improvements
PERFORMANCE – Private Final Lift of Asphalt

**EXHIBIT “B-1”
IMPROVEMENTS**

| | Improvement | Estimated Cost |
|---|---|-----------------------|
| 1 | Sanitary Sewer System, Water & Fire Distribution System, Off-Site Improvements | <u>\$1,275,563.07</u> |
| 2 | DEFECT Sanitary Sewer System, Water & Fire Distribution System, Off-Site Improvements | \$88,416.54 |
| 3 | PERFORMANCE Private Final Lift of Asphalt | \$108,833.78 |
| 4 | | \$ |
| 5 | | \$ |



Public Works Department
Engineering Services
1022 26th Ave East
Bradenton, FL 34208
Phone: (941) 708-7462
www.mymanatee.org

February 14, 2019

Morris Engineering and Consulting, LLC
Attention: Mr. Matthew J. Morris, P.E.
6997 Professional Pkwy East
Sarasota, FL 34240

(mmorris@morrisengineering.net)

RE: **MOSS CREEK, PHASE I – Private Residential**
(PDMU-15-08/17-S-42(F)) (DTS #20170486)
Defect Security Cost Estimate
Required Public Improvements
Reason – (Sanitary Sewer System, Potable Water System, Offsite Improvements)

Dear Mr. Morris:

Your cost estimate for the above referenced bond, dated **December 14, 2018**, for the completion of site improvements to serve the above referenced development, is approved for the appropriate surety.

A Defect Security in the amount of **\$88,416.54** which is 10%, of the submitted actual cost, would be sufficient to assure the County correction of any defects or failures.

If we can be of further assistance, please contact me at (941) 708-7462.

Sincerely,

A handwritten signature in black ink, appearing to read "Sia Mollanazar", written over a horizontal line.

Sia Mollanazar, P.E., County Engineer
Deputy Director – Engineering Services

SM/jp/jsh

cc: Record Management
Brandy Wilkins, Bond Coordinator, Public Works Department
Carmen Mosley, Fiscal Operations Division Manager, Public Works Dept.
Kenneth LaBarr, Infrastructure Inspection Division Manager, Public Works Dept.
Karla Ripley, Senior Review Specialist, Public Works Dept.
Greg Marcotte, Sr. Planning and Zoning Tech, Building and Development Services

Moss Creek - Phase I

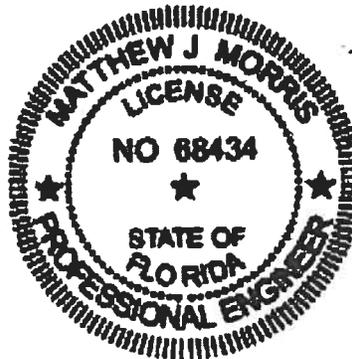
Engineer's Opinion of Probable Cost
Public Infrastructure - Defect Security Bond Estimate

| Item | Description | Cost |
|---|-----------------------|----------------------|
| A1. | Sanitary Sewer System | \$ 261,512.06 |
| A2. | Potable Water System | \$ 258,197.33 |
| A3. | Offsite Improvements | \$ 364,456.00 |
| Project Construction Total | | \$ 884,165.39 |
| Defect Security Bond Total (10%) | | \$ 88,416.54 |



12/14/2018

Matthew J. Morris, P.E.
FL PE No. 68434



**Engineer's Cost Estimate - Public Infrastructure
Moss Creek - Phase I
December 14, 2018**

| ITEM | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | TOTAL PRICE |
|---------------------------------------|--|----------|------|--------------|----------------------|
| A1. SANITARY SEWER SYSTEM | | | | | |
| 1 | 8" SDR26 PVC | 3,820 | LF | \$ 23.66 | \$ 90,381.20 |
| 2 | 16" Steel Casing | 120 | LF | \$ 54.80 | \$ 6,576.00 |
| 3 | 48" Manhole (4'-6" Deep) | 1 | EA | \$ 2,621.13 | \$ 2,621.13 |
| 4 | 48" Manhole (6'-8" Deep) | 8 | EA | \$ 3,220.17 | \$ 25,761.36 |
| 5 | 48" Manhole - Manatee County (6'-8" Deep) | 1 | EA | \$ 11,596.13 | \$ 11,596.13 |
| 6 | 48" Manhole (8'-10" Deep) | 3 | EA | \$ 4,223.81 | \$ 12,671.43 |
| 7 | 48" Manhole (10'-12" Deep) | 4 | EA | \$ 6,323.12 | \$ 25,292.48 |
| 8 | 48" Manhole - Manatee County (10'-12" Deep) | 1 | EA | \$ 12,810.36 | \$ 12,810.36 |
| 9 | 48" Manhole (12'-14" Deep) | 1 | EA | \$ 6,588.27 | \$ 6,588.27 |
| 10 | 48" Manhole - Manatee County (12'-14" Deep) | 1 | EA | \$ 15,716.87 | \$ 15,716.87 |
| 11 | 6" Single Sewer Service | 15 | EA | \$ 508.41 | \$ 7,626.15 |
| 12 | 6" Double Sewer Service | 54 | EA | \$ 812.42 | \$ 43,870.68 |
| SUBTOTAL SANITARY SEWER SYSTEM | | | | | \$ 261,512.06 |
| A2. POTABLE WATER SYSTEM | | | | | |
| 1 | 16" Steel Casing | 100 | LF | \$ 64.82 | \$ 6,482.00 |
| 2 | 8" C900 DR 18 PVC | 420 | LF | \$ 21.54 | \$ 9,046.80 |
| 3 | 6" DIP CL350 | 100 | LF | \$ 39.34 | \$ 3,934.00 |
| 4 | 6" C900 DR 18 PVC | 3,100 | LF | \$ 18.03 | \$ 55,893.00 |
| 5 | 4" C900 DR 18 PVC | 160 | LF | \$ 16.06 | \$ 2,569.60 |
| 6 | 2" SDR9 HDPE | 240 | LF | \$ 13.63 | \$ 3,271.20 |
| 7 | Single Service - Short | 10 | EA | \$ 655.71 | \$ 6,557.10 |
| 8 | Double Service - Short | 44 | EA | \$ 993.25 | \$ 43,703.00 |
| 9 | Single Service - Long | 3 | EA | \$ 756.86 | \$ 2,270.58 |
| 10 | Double Service - Long | 20 | EA | \$ 1,125.91 | \$ 22,518.20 |
| 11 | 8" Gate Valve | 7 | EA | \$ 1,340.85 | \$ 9,385.95 |
| 12 | 6" Gate Valve | 20 | EA | \$ 984.74 | \$ 19,694.80 |
| 13 | 4" Gate Valve | 1 | EA | \$ 845.74 | \$ 845.74 |
| 14 | 2" Gate Valve | 1 | EA | \$ 752.62 | \$ 752.62 |
| 15 | 8" Fittings | 58 | EA | \$ 421.85 | \$ 24,467.30 |
| 16 | 6" Fittings | 52 | EA | \$ 390.29 | \$ 20,295.08 |
| 17 | 4" Fittings | 3 | EA | \$ 232.46 | \$ 697.38 |
| 18 | 2" Fittings | 2 | EA | \$ 200.90 | \$ 401.80 |
| 19 | Fire Hydrant Assembly | 5 | EA | \$ 4,809.68 | \$ 24,048.40 |
| 20 | 2" Permanent Blow Off Assembly | 2 | EA | \$ 681.39 | \$ 1,362.78 |
| SUBTOTAL POTABLE WATER SYSTEM | | | | | \$ 258,197.33 |
| A3. OFFSITE IMPROVEMENTS | | | | | |
| 1 | 5' Wide Sidewalk | 18,250 | SF | \$ 4.72 | \$ 86,140.00 |
| 2 | 1" Asphalt - Type S-I | 963 | SY | \$ 14.52 | \$ 13,982.76 |
| 3 | 3/4" Asphalt - Type S-III w/ Tack | 963 | SY | \$ 13.83 | \$ 13,318.29 |
| 4 | 8" Crushed Concrete Base (LBR 150) | 963 | SY | \$ 14.91 | \$ 14,358.33 |
| 5 | 12" Stabilized Subgrade (LBR 60) | 1,020 | SY | \$ 7.83 | \$ 7,986.60 |
| 6 | Mill & Overlay 1" S-III w/ Tack | 3,561 | SY | \$ 21.66 | \$ 77,131.26 |
| 7 | Signage/Striping | 1 | LS | \$ 2,800.00 | \$ 2,800.00 |
| 8 | Sod | 21,332 | SF | \$ 0.53 | \$ 11,305.96 |
| 9 | Fine Grading/ROW Restoration | 6,500 | SY | \$ 1.05 | \$ 6,825.00 |
| 10 | 24" Split Casing for Existing 12" FM | 220 | LF | \$ 198.59 | \$ 43,689.80 |
| 11 | 18" Split Casing for Existing 8" Water Main | 500 | LF | \$ 166.52 | \$ 83,260.00 |
| 12 | Patch Asphalt and Base - 37th St E (2" S-I, 8" LBR 150 Crushed Concrete) | 28 | SY | \$ 59.00 | \$ 1,652.00 |
| 13 | Patch Asphalt and Base - 39th St E (2" S-I, 8" LBR 150 Crushed Concrete) | 34 | SY | \$ 59.00 | \$ 2,006.00 |
| SUBTOTAL OFFSITE IMPROVEMENTS | | | | | \$ 364,456.00 |
| PROJECT CONSTRUCTION TOTAL | | | | | \$ 884,165.39 |
| BOND TOTAL (10%) | | | | | \$ 88,416.54 |



Public Works Department
Engineering Services
1022 26th Ave East
Bradenton, FL 34208
Phone: (941) 708-7462
www.mymanatee.org

June 20, 2019

Morris Engineering and Consulting, LLC
Attention: Mr. Matthew J. Morris, P.E.
6997 Professional Pkwy East
Sarasota, FL 34240

(mmorris@morrisengineering.net)

RE: **MOSS CREEK, PHASE I – (Private Residential)**
(PDMU-15-08/17-S-42(F)) (DTS #20170486)
Performance Cost Estimate
Required Private Improvements
Reason – (Final Lift of Asphalt)

Dear Mr. Morris:

Your cost estimate for the above referenced bond, dated **May 29, 2019**, for the completion of site improvements to serve the above referenced development, is approved for the appropriate surety.

A private Improvement Performance bond in the amount of **\$108,833.78**, which is 130% your estimated cost, would be sufficient to assure the County completion of the required public Improvements.

If we can be of further assistance, please contact me at (941) 708-7462.

Sincerely,


Sia Mollanazar, P.E., County Engineer
Deputy Director – Engineering Services

SM/jp/jsh

- cc: Record Management
Brandy Wilkins, Fiscal Analyst, Public Works Department
Carmen Mosley, Fiscal Operations Division Manager, Public Works Dept.
Kenneth LaBarr, Infrastructure Inspection Division Manager, Public Works Dept.
Karla Ripley, Senior Review Specialist, Public Works Dept. — — —
Fred Goodrich, Div. Manager/County Zoning Official, Building and Development Services
Robert Wenzel, Planning Section Manager, Building and Development Services
Kimberly Middleton, Planning and Zoning Tech., Building and Development Services

Moss Creek Phase I

Engineer's Opinion of Probable Cost
Second Lift of Asphalt (Private) - Performance Bond Estimate
May 29, 2019

| DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | TOTAL PRICE |
|-----------------------------------|-----------|------|--------------------------|---------------------|
| PAVEMENT | | | | |
| Permanent Control Points | 1.00 | LS | \$ 5,000.00 | \$ 5,000.00 |
| 3/4" Asphalt Type S-III - 50' R/W | 14,047.00 | SY | \$ 5.07 | \$ 71,218.29 |
| Signage and Striping | 1.00 | LS | \$ 7,500.00 | \$ 7,500.00 |
| | | | Subtotal Pavement | \$ 83,718.29 |

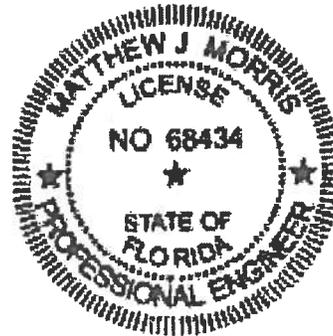
PROJECT CONSTRUCTION TOTAL \$ 83,718.29

BOND TOTAL (130%) \$ 108,833.78



05/29/2019

Matthew J. Morris, P.E.
FL PE No. 68434



Moss Creek, Ph I- Private Residential Project w/Public Improvement
Sanitary Sewer System, Water & Fire Dist System, Off-Site Improvements
DEFECT - Sanitary Sewer System, Potable Water System and Offsite Improvements
PERFORMANCE – Private Final Lift of Asphalt

**EXHIBIT “B-2”
IMPROVEMENTS**

PROVIDE A MAP SHOWING LAYOUT OF THE PUBLIC POTABLE WATER RECLAIMED
WATER AND SANITARY SEWER INFRASTRUCTURE FACILITIES FOR THE ENTIRE
DEVELOPMENT

REQUIRED AT TIME OF DEFECT

Moss Creek, Ph I– Private Residential Project w/Public Improvement
Sanitary Sewer System, Water & Fire Dist System, Off-Site Improvements
DEFECT - Sanitary Sewer System, Potable Water System and Offsite Improvements
PERFORMANCE – Private Final Lift of Asphalt

**EXHIBIT “C”
PERFORMANCE SECURITIES**

| | Bond / LoC | Amount |
|---|--|-----------------------|
| 1 | Surety Bond No. K0960778A Issued through Westchester Fire Insurance Company | <u>\$1,275,563.07</u> |
| 2 | DEFECT Surety Bond No. K15757486 Issued through Westchester Fire Insurance Company | \$88,416.54 |
| 3 | PERFORMANCE Surety Bond No. K15757759 Issued through Westchester Fire Insurance Company | \$108,833.78 |
| 4 | | \$ |
| 5 | | \$ |

**SURETY BOND
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

(Attachment "A")

BOND NO. K15757486

PROJECT NAME: Moss Creek - Phase I

KNOW ALL MEN BY THESE PRESENT:

That the Developer, CND-Moss Creek, LLC as Principal, and Westchester Fire 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 \$88,416.54 (Numbers) Eighty-Eight Thousand Four Hundred Sixteen and 54/100 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 (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: Moss Creek, Phase 1

(Name of Project)

BOND NO. K15757486

SIGNED AND SEALED this 1st day of March, 20 19

Westchester Fire Insurance Company

Surety Company Name

By: [Signature]

Signature - As its Agent

James W. Johnson, Attorney-in-Fact

Print Name & Title

436 Walnut Street WA06T

Address

Philadelphia, Pennsylvania 19106

City

State

Zip

WITNESSES OR CORPORATE SEAL

[Signature]
Signature
Leticia Romano
Print Name

Signature

Print Name

NOTARY ACKNOWLEDGMENT

STATE OF: _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____ (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:

See attached retained on Notary Acknowledgment

Notary Public

Print Name of Notary

Commission No. _____ My Commission Expires: _____

DEVELOPER SIGNATURE FORM

FOR: Moss Creek, Phase 1

BOND NO. K15757486

SIGNED AND SEALED this 1st day of March, 2019

WITNESSES OR CORPORATE SEAL:

Holly M. Miller (Signature)

Witness

Holly M. Miller (Type or Print Name)

Brandon Ryan (Signature)

Witness

BRANDON RYAN (Type or Print Name)

CND-Moss Creek, LLC (Developer)

BY: Heather Humphrey (Signature) Chief Financial Officer (Type or Print Name)

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

1111 North Post Oak Road (Postal Address)

Postal Address

Houston, TX 77055 (City)

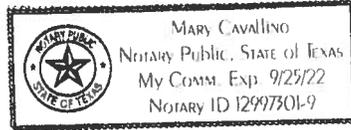
City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: Texas COUNTY OF: HARRIS

The foregoing instrument was acknowledged before me this 11 day of March, 2019 by Heather Humphrey, as Chief Financial Off., (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:



Mary Cavallino (Signature) Notary Public MARY CAVALLINO (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

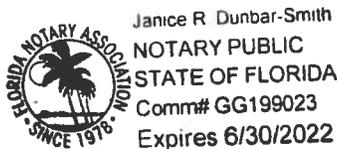
By: Board of County Commissioners

By: Cheri Conroy (Signature) County Administrator

STATE OF: Florida COUNTY OF: Manatee County

The foregoing instrument was acknowledged before me this 30th day of July, 2019, by Cheri Conroy 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:



Janice R. Dunbar-Smith (Signature) Notary Public Janice R. Dunbar-Smith (Print Name of Notary)

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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 MAR 07 2019 before me, Melissa A. Lopez Notary Public,

Date

(here insert name and title of the officer)

personally appeared James W. Johnson

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: Melissa Lopez (Seal)

OPTIONAL

Description of Attached Document

Title or Type of Document: _____ Number of Pages: _____

Document Date: _____ Other: _____

Power of Attorney

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Jennifer Anaya, Kevin S. Bogart, Erik Johansson, James W. Johnson, Frances Lefler, Melissa Lopez, Scott M. Milne and Leticia Romano of Tustin, California

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 15th day of January, 2019.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

ss.

On this 15th day of January, 2019, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2318885
Commission Expires July 16, 2018

[Signature]
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
(2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
(3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect.
(ii) the foregoing Power of Attorney is true, correct and in full force and effect.

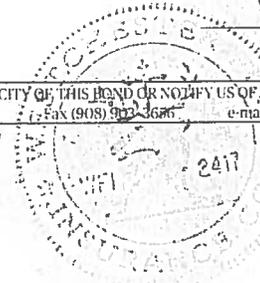
Given under my hand and seals of said Companies at Whitehouse Station, NJ, this March 1, 2019



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT Telephone (908) 903-3493 Fax (908) 903-3676 e-mail: surety@chubb.com



SURETY BOND
FOR PERFORMANCE OF REQUIRED PRIVATE IMPROVEMENTS
(Attachment "B") **BOND NO. K15757759**

KNOW ALL MEN BY THESE PRESENT:

That the Developer, CND-Moss Creek, LLC as Principal, and Westchester Fire 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 \$ 108,833.78 (Numbers) One Hundred Eight Thousand Eight Hundred Thirty-three and 78/100 (Words) for the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, for the specific benefit of the County in accordance with the conditions set forth herein and in the "Agreement for Private Subdivision Improvements" which is hereby incorporated herein by reference.

THE CONDITION of the above obligation is such that, Whereas the Principal has entered into a contract, dated _____ (LEAVE BLANK Manatee County approval date) with the obligation to do and perform certain work relating to Moss Creek - Phase I (Subdivision).

NOW THEREFORE, if the principal shall fully perform all the covenants and terms of said contract, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect, and Surety shall cause the contract to be fully performed or pay to obligee the cost of performing said contract in an amount not exceeding the said sum specified above. In the event such performance is not completed within the time specified in the attached "Agreement for Private Subdivision Improvements", the obligee shall be entitled to collection of this surety bond. Means of notification of intent to collect shall be by certified mail to the Surety at the address on page 2 {insert page number of surety's address}. Payment will be made to the County within 30 days by certified check drawn on behalf of the Board of County Commissioners at P. O. Box 1000, Bradenton, FL 34206.

The Surety does hereby consent to any and all alternations, extensions of time, or other modifications to the contract secured by this bond.

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 Private Subdivision Improvements shall be filed in the Twelfth Judicial Circuit in and for Manatee County, Florida.

FORM INSURANCE COMPANY SIGNATURE FORM

FOR: Moss Creek - Phase I
(Name of Project)

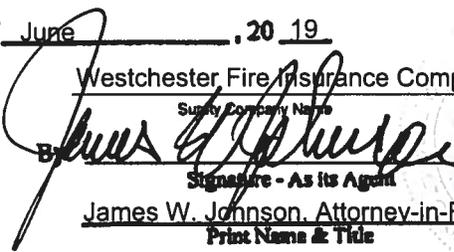
BOND NO. K15757759

SIGNED AND SEALED this 28th day of June, 2019

Westchester Fire Insurance Company

Surety Company Name

By



Signature - As its Agent

James W. Johnson, Attorney-in-Fact
Print Name & Title

436 Walnut Street, WA06T

Address

Philadelphia, PA 19106

City

State

Zip

WITNESSES OR CORPORATE SEAL

Signature

Signature

Print Name

Print Name

NOTARY ACKNOWLEDGMENT

STATE OF: _____

COUNTY OF: _____

See Attached Required California
Notary Acknowledgement

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____ (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:

Notary Public

Print Name of Notary

Commission No. _____ My Commission Expires: _____

DEVELOPER SIGNATURE FORM

WITNESS OR CORPORATE SEAL:

Holly Miller
Witness
Holly M Miller
Type or Print Name
Grace Atkins
Witness
Grace Atkins
Type or Print Name

FOR: Moss Creek - Phase I
BOND NO. K15757759

CND-Moss Creek, LLC
Developer

BY: [Signature]
Signature
Heather Humphrey
Type or Print Name
Chief Financial Officer

Its Authorized Signatory

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

1111 North Post Oak Road

Postal Address

Houston, TX 77055

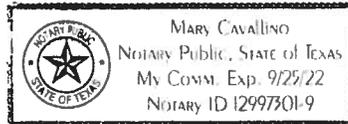
City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: Texas
COUNTY OF: HARRIS

The foregoing instrument was acknowledged before me this 2 day of JULY, 2019
by Heather Humphrey, as CEO (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
MARYCAVALLINO
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: [Signature]
County Administrator

NOTARY ACKNOWLEDGMENT

STATE OF: Florida
COUNTY OF: Manatee

The foregoing instrument was acknowledged before me this 30th day of July, 2019, by Cheri Cornea (County Administrator) for and on behalf of Manatee County Board Of County Commissioners, who is personally known to me or has produced _____ as identification

NOTARY SEAL:



Janice R. Dunbar-Smith
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG199023
Expires 6/30/2022

[Signature]
Notary Public
Janice R. Dunbar-Smith
Print Name of Notary

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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 JUN 28 2019 before me, Melissa A. Lopez Notary Public,

Date

(here insert name and title of the officer)

personally appeared James W. Johnson

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: Melissa Lopez (Seal)

OPTIONAL _____

Description of Attached Document

Title or Type of Document: _____ Number of Pages: _____

Document Date: _____ Other: _____

Power of Attorney

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Jennifer Anaya, Kevin S. Bogart, Erik Johansson, James W. Johnson, Frances Lefler, Melissa Lopez, Scott M. Milne and Leticia Romano of Tustin, California

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 15th day of January, 2019.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

ss.

On this 15th day of January, 2019, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316266
Commission Expires July 16, 2019

Katherine J. Adelaar
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006 ; ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
(2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
(3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
(ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this June 28th, 2019



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

BILL OF SALE
[PHASE I UTILITIES IMPROVEMENTS]

KNOW ALL MEN BY THESE PRESENTS, that **CND-Moss Creek, LLC**, a Texas Limited Liability Company whose address is 1111 North Post Oak Road, Houston, Texas 77055 (hereinafter referred to as SELLER), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, from **MANATEE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is Post Office Box 1000, Bradenton, Florida 34206 (hereinafter referred to as COUNTY) has granted, bargained, sold, transferred, conveyed and delivered to the COUNTY, its executors, administrators, successors and assigns forever, the following:

1. All water and wastewater lines, pipes, valves, laterals, tees, bends, joints, manholes, facilities, equipment, and appurtenances thereto, located within those certain portions of the Twin Creek Avenue, Spanish Moss Cove, Sunshine Pine Avenue, Peaceful Creek Cove and Sandy Oak Lane Private Road Rights-of-Way with Public Utility and Access Easement labeled as "Tract Z" and all Public Utility Easements located in Phase I of the plat known as Moss Creek – Phase I, as recorded in Plat Book 63, Pages 1 – 111, of the Official Records of Manatee County, Florida ("**Utilities**"); and

TO HAVE AND TO HOLD the same unto the COUNTY, its executors, administrators, successors and assigns forever. The COUNTY shall have all rights and title to the above described personal property.

AND the SELLER hereby covenants to and with the COUNTY and assigns that SELLER is the lawful owner of the said personal property; that said personal property is free from all liens and encumbrances; that SELLER has good right and lawful authority to sell said personal property; and that SELLER fully warrants title to said personal property and shall defend the same against the lawful claims and demands of all persons whomever.

[CONTINUED ON NEXT PAGE]

IN WITNESS WHEREOF, the SELLER has hereunto set its hand and seal, by and through its duly authorized representatives, this 25 day of March, 2019.

WITNESSES:

**CND-Moss Creek, LLC
A Texas Limited Liability Company**

Signature: [Handwritten Signature]
Print Name: Kevin Kramer

BY: [Handwritten Signature]
Shad Tome
Authorized Signee

Signature: [Handwritten Signature]
Print Name: Katie Peck

STATE OF FLORIDA
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 25 day of March, 2019, by Shad Tome as Authorized Signee, of CND-Moss Creek, LLC, a Texas limited liability company. He is personally known to me or have produced _____ as identification.



[Handwritten Signature]
Signature of Notary Public
Cynthia J. Miller
Name Typed, Printed or Stamped
Commission No.: GC 115247
My Commission Expires: 10/12/21

WHEREFORE, the County and Seller have executed this Bill of Sale as of this _____ day of _____, 2019.

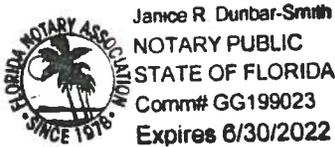
**MANATEE COUNTY, a political
subdivision of the State of Florida**

By: Board of County Commissioners

By: Cheri R. Coryea
County Administrator

STATE OF: Florida
COUNTY OF: Manatee

The foregoing instrument was acknowledged before me this 30th day of July, 2019,
by Cheri Coryea (County Administrator) for and on behalf of the Manatee County Board of County
Commissioners who is personally known to me or has produced N/A as identification



Janice R. Dunbar-Smith
NOTARY PUBLIC Signature
Janice R. Dunbar-Smith
Printed Name