

MEMORANDUM



To: Cheri Coryea
County Administrator

From: Chad Butzow, Director
Public Works Department

A handwritten signature in blue ink, appearing to read "Chad Butzow".

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

Two handwritten signatures in blue ink. The first appears to be "C. Mosley" and the second appears to be "B. Wilkins".

Date: January 28, 2020

Subject: **WILLOW BEND PHASE I SUBPHASE A**
PLN1807-0084
RELEASE LETTER OF CREDIT SECURING FINAL LIFT OF ASPHALT
ACCEPT SURETY BOND SECURING FINAL LIFT OF ASPHALT

On March 26, 2019, the Board of County Commissioners accepted the Agreement for Private Subdivision Improvements securing final lift of asphalt for the above referenced project. The developer, at this time, is requesting to switch from Letter of Credit originally provided, to a Surety Bond. The Public Works Department has reviewed the request and is in agreement with the Developer. We therefore, per Resolution R-14-86, respectively request approval of the following:

- **Authorization to release and return** the Letter of Credit, and any amendments associated with this letter, in conjunction with the *Agreement for Private Subdivision Improvements*. Documents will be returned to Doug Weiland with CWES XV LLC located at 334 East Lake Road #172, Oldsmar, FL 34685;
 - **Letter of Credit No. 70003692** issued through SunTrust Bank;
 - **Amount of Performance Bond \$58,338.80;**
- **Acceptance of, Surety Bond** in conjunction with the *Agreement for Private Subdivision Improvements*;
 - **Surety Bond No. GM202307** issued through Great Midwest Insurance Company;
 - **Expiration Date of Agreement January 28, 2021**
 - **Amount of Performance \$58,338.80.**

cc: Records Management
Ken LaBarr, Infrastructure Inspections Division Manager
Doug Weiland, CWES XV LLC

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

Willow Bend, Ph IA – Public Project w/Public Improvement
DEFECT – Earthwork & Roadway Construction, Stormwater/
Drainage, Sanitary Sewerage, Water Distribution, Reclaimed Irr
PERFORMANCE – Final Lift of Asphalt

**EXHIBIT “B-1”
IMPROVEMENTS**

	Improvement	Estimated Cost
1	<u>DEFECT</u> Earthwork & Roadway Construction, Stormwater/ Drainage, Sanitary Sewerage, Water Distribution, Reclaimed Irrigation	<u>\$58,233.62</u>
2	<u>PERFORMANCE</u> Final Lift of Asphalt	<u>\$58,338.80</u>
3		\$
4		\$
5		\$

Willow Bend, Ph IA – Public Project w/Public Improvement
DEFECT – Earthwork & Roadway Construction, Stormwater/
Drainage, Sanitary Sewerage, Water Distribution, Reclaimed Irr
PERFORMANCE – Final Lift of Asphalt

EXHIBIT “C”
PERFORMANCE SECURITIES

	Bond / LoC	Amount
1	<u>DEFECT</u> Surety Bond No. GM202308 Issued through Great Midwest Insurance Company	<u>\$58,233.62</u>
2	<u>PERFORMANCE</u> Surety Bond No. GM202307 Issued through Great Midwest Insurance Company	<u>\$58,338.80</u>
3		\$
4		\$
5		\$

SURETY BOND
FOR PERFORMANCE OF REQUIRED IMPROVEMENTS
(Attachment "A") **BOND NO. GM202307**

KNOW ALL MEN BY THESE PRESENT:

That the Developer, CWES XV LLC, 3334 East Lake Rd., #172, Palm Harbor, FL 34685, as Principal, and Great Midwest Insurance Company, 800 Gessner, #600, Houston, TX 77024, 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 \$58,338.80 (Numbers) Fifty-eight Thousand Three Hundred Thirty-eight and 80/100 Dollars (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 Public 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 1/28/2020 (LEAVE BLANK Manatee County approval date) with the obligation to do and perform certain work relating to Willow Bend Phase 1A (42 Lots) (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", 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 two {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 alterations, 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 "Agreement for Public Subdivision Improvements" shall be filed in the Twelfth Judicial Circuit in and for Manatee County, Florida.

INSURANCE COMPANY SIGNATURE FORM

FOR: Willow Bend Phase 1A (42 Lots)
(Name of Project)

BOND NO. GM202307

SIGNED AND SEALED this 2nd day of January, 20 20

Great Midwest Insurance Company
Surety Company Name

By: [Signature]

Signature - As its Agent

Kevin Wojtowicz, Attorney-in-fact and FL
Licensed Resident Agent

Print Name & Title

1000 Central Ave #200

Address

St. Petersburg, FL 33705

City State Zip

WITNESSES OR CORPORATE SEAL

N/A
Signature

Print Name

N/A
Signature

Print Name

NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 2nd day of January, 20 20, by Kevin Wojtowicz as Attorney-in-fact (Title), on behalf of the Surety identified herein, and who is **personally known to me** or who has produced known (Type of Identification) as identification.

NOTARY SEAL:



[Signature]
Notary Public

Eileen C. Heard
Print Name of Notary

Commission No. GG257187 My Commission Expires: 10/22/2022

DEVELOPER SIGNATURE FORM

FOR Willow Bend Phase 1A
(42 Lots)

BOND NO. GM202307

SIGNED AND SEALED this 2nd day of January, 2020

WITNESSES OR CORPORATE SEAL:

Cynthia J. Malinoski
Witness
Cynthia J. Malinoski
Type or Print Name

Witness

Type or Print Name

CWES XV LLC
Developer

BY: [Signature]
Signature

Douglas Weiland
Type or Print Name

t

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

334 East Lake Rd, #172

Postal Address

Palm Harbor, FL 34685

City State Zip

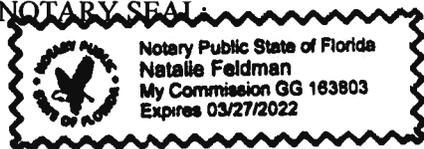
NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF: Pinellas

The foregoing instrument was acknowledged before me this 8 day of January, 2020, by Douglas Weiland, as Manager, (Title), on behalf of the corporation identified herein as Developer and who is personally known to me or who has produced n/a (Type of Identification) as identification.

NOTARY SEAL:



[Signature]
Notary Public
Natalie Feldman
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 17th day of Jan, 2020

MANATEE COUNTY

A political subdivision of the State of Florida

By: [Signature] Board of County Commissioners

By: [Signature] County Administrator

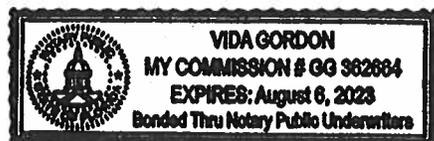
NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF: Manatee

The foregoing instrument was acknowledged before me this 17th day of January, 2020, by Cheri Coryea, as County Administrator, (Title), for and on behalf of Manatee County Board of County Commissioners, and who is personally known to me or who has produced N/A (Type of Identification) as identification.

NOTARY SEAL:



[Signature]
Notary Public
Vida Gordon
Print Name of Notary

POWER OF ATTORNEY

GM-202307

Great Midwest Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that GREAT MIDWEST INSURANCE COMPANY, a Texas Corporation, with its principal office in Houston, TX, does hereby constitute and appoint:

Jessica P. Reno, Kevin Wojtowicz

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of GREAT MIDWEST INSURANCE COMPANY, on the 1st day of October, 2018 as follows:

Resolved, that the President, or any officer, be and hereby is, authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed Four Million dollars (\$4,000,000.00), which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed in the Company's sole discretion and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, GREAT MIDWEST INSURANCE COMPANY, has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 15th day of October, 2018.

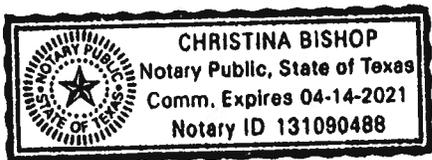


GREAT MIDWEST INSURANCE COMPANY

BY [Signature] Peter B. Smith President

ACKNOWLEDGEMENT

On this 15th day of October, 2018, before me, personally came Peter B. Smith to me known, who being duly sworn, did depose and say that he is the President of GREAT MIDWEST INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



BY [Signature] Christina Bishop Notary Public

CERTIFICATE

I, the undersigned, Secretary of GREAT MIDWEST INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Houston, TX this 2nd Day of January, 2020.



BY [Signature] Leslie K. Shaunty Secretary

WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.