

# MEMORANDUM



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

*Handwritten signature for Carmen Mosley*

From: Brandy Wilkins, Bond Coordinator  
Public Works Department

*Handwritten signature B. Wilkins*

Date: July 28, 2020

Subject: **RIDGE AT CROSSING CREEK PHASE I  
Z-84-76/16-S-02(F)  
RELEASE DEFECT SECURITY AGREEMENT  
RELEASE SURETY BOND**

For your information, the following form of action is required. On June 28, 2016, the Board of County Commissioners accepted a defect security agreement securing potable water, reclaimed water and sanitary sewer improvements. On June 30, 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 potable water, reclaimed water and sanitary sewer improvements in the amount of \$77,741.78;
- **Authorization to release and return** the following Surety Bond, and any Amendments associated with this Bond. Documents will be returned to Jasmine Garrido, Agent for the Developer with Grimes, Goebel located at 1023 Manatee Avenue West, Bradenton, FL 34205;
  - **Surety Bond** No. SU1138704 issued through Arch Insurance Company;
  - **Amount** of Defect \$77,741.78.

## **Instructions to Board Records**

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

cc: Records Management  
Ken LaBarr, Infrastructure Inspections Division Manager  
Jasmine Garrido, Agent for the Developer

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

**SURETY BOND  
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

**(Attachment "A")**

**BOND NO.** SU 1138704

**KNOW ALL MEN BY THESE PRESENT:**

That the Developer, Neal Communities of Southwest Florida, LLC as Principal, and Arch 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 Oblige, in the sum of \$ 77,741.78 (Numbers) Seventy-seven Thousand, Seven Hundred Forty-one and 78/100 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 6/28/19 (LEAVE BLANK - Manatee County Government approval date) with the obligation to warrant those Required Improvements which the Principal is presently requesting the Oblige to accept for maintenance to be free from defects or failures involving construction, design, or materials.

**NOW THEREFORE**, if the Oblige's inspection of the Required Improvements finds no defects within thirty six (36) months from the date of the Oblige'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 Oblige 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**

Ridge at Crossing Creek Phase 1

FOR: Potable Water, Reclaimed Water & Sanitary Sewer

(Name of Project)

**BOND NO.** SU1138704

**SIGNED AND SEALED** this 28th day of April, 20 16

Arch Insurance Company

By: *Edward J. Wood*  
Surety Company Name

Signature - As its Agent  
Edward J. Wood, Attorney-in-Fact and Licensed Florida

Print Name & Title Resident Agent  
1125 Sanctuary Parkway, Suite 200 Phone: 941-999-1900

Address  
Alpharetta, GA 30009  
City State Zip



**WITNESSES OR CORPORATE SEAL**

*Carol McManus*

Signature  
Carol McManus  
Print Name

Signature  
Christy Ensrud  
Print Name

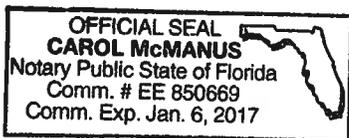
**NOTARY ACKNOWLEDGMENT**

STATE OF: FLORIDA

COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 28th day of April, 20 16, by Edward J. Wood as Attorney-in-Fact (Title), on behalf of the Surety identified herein, and who is personally known to me or who has produced n/a (personally known) (Type of Identification) as identification.

**NOTARY SEAL:**



*Carol McManus*

Notary Public  
Carol McManus  
Print Name of Notary

Commission No. EE 850669 My Commission Expires: January 6, 2017

**DEVELOPER SIGNATURE FORM**

FOR: Ridge at Crossing Creek Phase 1  
Potable Water, Reclaimed Water & Sanitary Sewer  
BOND NO. SU 1138704

SIGNED AND SEALED this 28th day of April, 2016

**WITNESSES OR CORPORATE SEAL:**

*[Signature]*  
Witness  
Nancy Groth

Type or Print Name  
*[Signature]*  
Witness  
Cheryl Picerno

Type or Print Name

Neal Communities of Southwest Florida, LLC

Developer  
BY: *[Signature]*  
Signature  
James R. Schier, VP  
Type or Print Name

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

5800 Lakewood Ranch Blvd. N.  
Postal Address  
Sarasota, FL 34240  
City State Zip

**NOTARY ACKNOWLEDGMENT**

STATE OF: Florida  
COUNTY OF: Sarasota

The foregoing instrument was acknowledged before me this 28th day of April, 2016, by James R. Schier, VP, (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  
SHERRY S. DODDEEMA  
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 28th day of June, 2016.

**MANATEE COUNTY**

A political subdivision of the State of Florida

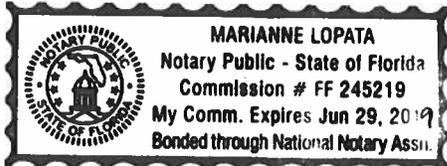
By: Board of County Commissioners

By: *[Signature]*  
County Administrator

STATE OF: Florida  
COUNTY OF: Manatee County

The foregoing instrument was acknowledged before me this 28th day of June, 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:



*[Signature]*  
Notary Public  
Marianne Lopata  
Print Name of Notary

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON BLUE BACKGROUND.**

***This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Mortgage, Note, Loan, Letter of Credit, Bank Deposit, Currency Rate, Interest Rate or Residential Value Guarantees.***

## POWER OF ATTORNEY

Know-All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Anthony T. Papa, Jr., Carol McManus, Christine A. Papa, Edward J. Wood and Teresa L. Steadman of Sarasota, FL (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.