

MEMORANDUM



To: Ed Hunzeker
County Administrator

Thru: Ron Schulhofer, Director
Public Works Department

From: Carmen Mosley, Sr. Fiscal Services Mgr.
Jane Oliver, Bond Coordinator
Public Works Department

Date: July 25, 2017

Subject: **MALLORY PARK, PHASE I, SUBPHASE A, C & E
PHASE E ONLY
PDMU-06-30/16-S-07 (F)
RELEASE PORTION OF PERFORMANCE AGREEMENT
RELEASE SURETY BOND
ACCEPT DEFECT SECURITY PORTION OF AGREEMENT
ACCEPT SURETY BOND**

On July 26, 2016 the Board of County Commissioners accepted the *Agreement for Private Subdivision with Public Improvements* securing water and wastewater improvements for the above referenced project. 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. The Bill of Sale which was accepted with Subphase C also included Subphase E, no Bill of Sale is required with this package. Per R-14-86, we therefore respectively request the County Administrator to approve the following:

ACTION

- **Authorization to release and return** the Surety Bond, and any riders associated with this Surety, in conjunction with the performance portion of the *Agreement for Private Subdivision with Public Improvements*. Documents will be returned to Danielle Ellis, Agent for the Developer with Grimes, Goebel located at 1023 Manatee Avenue West, Bradenton, FL 34205;
- **Surety Bond No. 268007748** issued through Liberty Mutual Insurance Company;
- **Amount of Performance Bond \$147,636.00;**

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

ACTION

- **Accept, and Execute Surety Bond** securing Section 1.5 “Maintenance, Defects” of the *Agreement for Private Subdivision with Public Improvements* accepted by the Board of County Commissioners on July 26, 2016, securing water and wastewater improvements;
- **Surety Bond No.** CMS290987 issued through RLI Insurance Company;
- **Amount** of Defect Security \$11,356.00;

Instructions to Board Records

1. Copies of accepted agenda package to: Claudia Campos (Claudia.campos@ManateeClerk.com), Julie Jensvold (Julie.jensvold@ManateeClerk.com), Abby Lindecamp (abby.lindecamp@ManateeClerk.com), Danielle Ellis (DEllis@grimesgoebel.com), and Jane Oliver (jane.oliver@mymanatee.org).

RS/CM/jo

cc: Records Management
Claudia Campos, General Accounting - Finance
Sia Mollanazar, P.E., Deputy Director – Engineering Services
Chad Butzow, P.E., Deputy Director – Field Services Operations
Danny Smith, Maintenance Operations Division Manager
Ken LaBarr, Infrastructure Inspections Division Manager
Danielle Ellis, Agent for the Developer

Attachments

Mallory Park, Phase I, Subphase E –
Private Residential Project w/Public Improvement
Water & Wastewater
DEFECT – Water & Sewer

**EXHIBIT “B-1”
IMPROVEMENTS**

	Improvement	Estimated Cost
1	Water and Wastewater	<u>\$147,636.00</u>
2	Water & Sewer	<u>\$11,356.00</u>
	DEFECT ACCEPTANCE	



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

July 11, 2016

Stantec Consulting Services, Inc.
Attn.: Mr. Kristopher A. Wilhoit, P.E.
6900 Professional Parkway East
Sarasota, FL 34240

(Kris.Wilhoit@stantec.com)

RE: **MALLORY PARK-PHASE 1-SUBPHASE E - (Private Subdivision)**
PDMU-06-30/16-S-07(F) (DTS #20160134) (MEPS-303)
3-Year Defect Security Cost Estimate
Public Infrastructure Improvements
Reason - (Water & Sewer)

Dear Mr. Wilhoit:

Your cost estimate for the above referenced bond, dated **April 06, 2016**, 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 **11,356.60** 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,

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

SM/jp/jsh

cc: Record Management
Jane Oliver, Fiscal Analyst, Public Works Department
Carmen Mosley, Fiscal Operations Division Manager, Public Works Dept.
Kenneth LaBarr, Interim Infrastructure Inspection Division Manager, Public Works Dept.
Mark G. Mayer, Senior Development Review Specialist, Public Works
John Parks, Sr. Development Review Specialist, Building and Development Services
Fred Goodrich, Sr. Development Review Specialist, Building and Development Services



**Engineer's Opinion of Probable Cost
Mallory Park Phase 1, Subphase E
Water & Sewer
for Defect Security Bond**

Site Development Cost Breakdown Summary

Water	\$62,710.00
Sewer	\$50,856.00
Total Cost Opinion	\$113,566.00
Total x 10%	\$11,356.60

Certificate of Cost Opinion

I, Kristopher A. Wilhoit, P.E., hereby submit that my opinion of cost for the improvements itemized herein is One Hundred Thirteen Thousand Five Hundred Sixty Six Dollars and No Cents (\$113,566.00).

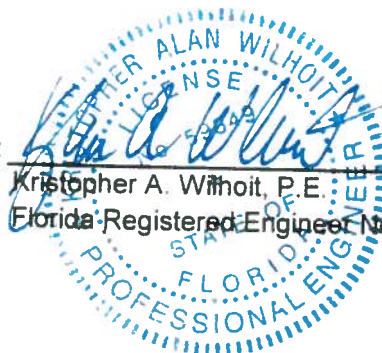
Furthermore, as required by Manatee County Land Development Code Section 722.3.4.2., 10% of this amount, specifically, Eleven Thousand Three Hundred Fifty Six Dollars and Sixty Cents (\$11,356.60), is the required amount of the defect security.

Signed and sealed on this 6th day of April, 2016

Signed:



Kristopher A. Wilhoit, P.E.
Florida Registered Engineer No. 59549





Engineer's Opinion of Probable Cost
Mallory Park Phase 1, Subphase E
for Defect Security Bond

Water	Estimated Quantity	Unit	Unit-Price	Total
8" DIP Watermain	20	LF	\$35.00	\$700.00
8" PVC Watermain	675	LF	\$25.00	\$16,875.00
6" PVC Watermain	300	LF	\$15.00	\$4,500.00
8" Gate Valve with Box	2	EA	\$1,750.00	\$3,500.00
6" Gate Valve with Box	2	EA	\$1,232.00	\$2,464.00
Fire Hydrant Complete	1	EA	\$6,200.00	\$6,200.00
Single Water Service Long	5	EA	\$880.00	\$4,400.00
Single Water Service Short	4	EA	\$765.00	\$3,060.00
Double Water Service Long	9	EA	\$1,450.00	\$13,050.00
Double Water Service Short	3	EA	\$1,315.00	\$3,945.00
2" Temporary Blow off	1	EA	\$750.00	\$750.00
4" Jumper Assembly	1	EA	\$2,500.00	\$2,500.00
Watermain Testing	1	LS	\$766.00	\$766.00
TOTAL WATER =				\$62,710.00



Engineer's Opinion of Probable Cost
Mallory Park Phase 1, Subphase E
for Defect Security Bond

Sewer

Item Description	Estimated Quantity	Unit	Unit-Price	Total
8" PVC Sanitary Sewer 0-6'	202	LF	\$20.00	\$4,040.00
8" PVC Sanitary Sewer 6-8'	170	LF	\$24.00	\$4,080.00
8" PVC Sanitary Sewer 8-10'	396	LF	\$28.00	\$11,088.00
Sanitary Sewer Manholes 0-6'	2	EA	\$2,793.00	\$5,586.00
Sanitary Sewer Manholes 8-10'	3	EA	\$3,690.00	\$11,070.00
Single Sewer Service	5	Ea	\$670.00	\$3,350.00
Double Sewer Service	13	EA	\$765.00	\$9,945.00
Gravity Sewer Testing	1	LS	\$1,697.00	\$1,697.00

TOTAL SEWER = \$50,856.00

Mallory Park, Phase I, Subphase E –
Private Residential Project w/Public Improvement
Water & Wastewater
DEFECT – Water & Sewer

**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

(SEE BILL OF SALE ACCEPTED WITH
SUBPHASE C)

Mallory Park, Phase I, Subphase E –
Private Residential Project w/Public Improvement
Water & Wastewater
DEFECT – Water & Sewer

EXHIBIT “C”
PERFORMANCE SECURITIES

	Bond / LoC	Amount
1	Surety Bond No. 268007748 Issued through Liberty Mutual Insurance Company	<u>\$147,636.00</u>
2	Surety Bond No. CMS290987 Issued through RLI Insurance Company	<u>\$11,356.00</u>
	DEFECT ACCEPTANCE	

**SURETY BOND
FOR DEFECTS OF REQUIRED IMPROVEMENTS**

(Attachment "A")

BOND NO. CMS290987

PROJECT NAME: Mallory Park Phase 1, Subphase E

KNOW ALL MEN BY THESE PRESENT:

That the Developer, DiVosta Homes, LP as Principal, and RLI 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 \$ 11,356.00 (Numbers) eleven thousand three hundred fifty six and 00/100 (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 _____ (*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: Mallory Park, Phase 1, Subphase E
(Name of Project)

BOND NO. _____

SIGNED AND SEALED this 14th day of July, 20 16

RLI Insurance Company

Surety Company Name

By: [Signature]

Signature - As its Agent

Jessica Hollaender, Attorney-in-Fact

Print Name & Title

350 W. Washington St., Suite 216

Address

Tempe, AZ 85281

City

State

Zip

WITNESSES OR CORPORATE SEAL

[Signature]

Signature

Renee Romo

Print Name

[Signature]

Signature

Ronnie Sigala

Print Name

NOTARY ACKNOWLEDGMENT

STATE OF: Arizona

COUNTY OF Maricopa

The foregoing instrument was acknowledged before me this 14th day of July, 20 16, by Jessica Hollaender 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.

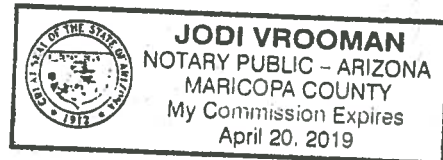
NOTARY SEAL:

[Signature]
Notary Public

Jodi Vrooman

Print Name of Notary

Commission No. n/a My Commission Expires: 4-20-19



DEVELOPER SIGNATURE FORM

FOR: Mallory Park, Phase 1, Subphase E
BOND NO. CMS290987

SIGNED AND SEALED this 14th day of July, 20 16

WITNESSES OR CORPORATE SEAL:

[Signature]
Witness
Gregory S. Rives

Type or Print Name
[Signature]
Witness
J. Nicholas Sarris

Type or Print Name

DiVosta Homes, LP

BY: [Signature]
Developer

Signature
Bryce Langen

Type or Print Name
Assistant Treasurer

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

24311 Walden Center Dr, Ste 300

Postal Address
Bonita Springs FL 34134

City State Zip

NOTARY ACKNOWLEDGMENT

STATE OF: Georgia
COUNTY OF: Fulton

The foregoing instrument was acknowledged before me this 14th day of July, 20 16, by Bryce Langen, as Assistant Treasurer, (Title), on behalf of the corporation identified herein as Developer and who is personally known to me or who has produced Known party (Type of Identification) as identification.

NOTARY SEAL: 

[Signature]
Notary Public
Shirley E. Hutchins
Print Name of Notary

Approved and accepted for and on behalf of Manatee County, Florida, this 25TH day of JULY, 20 17.

MANATEE COUNTY

A political subdivision of the State of Florida

By: [Signature]
County Administrator

STATE OF: Florida
COUNTY OF: Manatee County

The foregoing instrument was acknowledged before me this 25TH day of JULY, 20 17, 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 N/A (Type of Identification) as identification.

NOTARY SEAL: 

[Signature]
Notary Public
MYRA JANE OLIVER-MASON
Print Name of Notary



RLI Surety
 9025 N. Lindbergh Dr. | Peoria, IL 61615
 Phone: (800)645-2402 | Fax: (309)689-2036
 www.rlicorp.com

POWER OF ATTORNEY

RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, an Illinois corporation, does hereby make, constitute and appoint:
Jessica Hollaender, Jeremy Polk, jointly or severally

in the City of Phoenix, State of Arizona its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds provided the bond penalty does not exceed Twenty Five Million Dollars (\$25,000,000.00).

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 26th day of September, 2016.



RLI Insurance Company

By: B. W. Davis
 Barton W. Davis Vice President

State of Illinois }
 County of Peoria } SS

CERTIFICATE

On this 26th day of September, 2016, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 14 day of July, 2016.

By: Jacqueline M. Bockler
 Jacqueline M. Bockler Notary Public

RLI Insurance Company

By: B. W. Davis
 Barton W. Davis Vice President

