

Item # 47

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Release of Performance Bond for Alaqua Lakes PH 7

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Donald S. Fisher CONTACT: Michael Rumer EXT. 7337

Agenda Date <u>07/13/04</u>	Regular <input type="checkbox"/>	Consent <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

Release the Performance bond in the amount of \$423,730.66 for Alaqua Lakes Ph 7 – Charles Ayers, applicant.

District 5 – McLain (Michael Rumer, Planner) *MR*

BACKGROUND:

The applicant, Charles Ayers, is requesting a release of the Performance bond in the amount of \$423,730.66 for Alaqua Lakes Ph 7 plat. The bond was required for subdivision improvements. Staff has reviewed and found that the site meets all the conditions of the approved final engineering plan and the SCLDC. The site is located at the southeast corner of SR 436 and Bear Lake Road in Section 10, Township 20 South, Range 29 East in Lake Mary.

STAFF RECOMMENDATION:

Staff recommends approval to release the Performance bond as requested by the applicant for Alaqua Lakes Ph 7.

District 5 – McLain
Attachments: Copy of Bond

Reviewed by:	
Co Atty:	<u>KEC</u>
DFS:	
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	#cpdd03

PERFORMANCE BOND
(Roads, Streets, Drainage, Water and Sewer)

BOND NO. 29-07-60

KNOW ALL MEN BY THESE PRESENTS:

That we, TAYLOR WOODROW COMMUNITIES, a Florida general partnership, hereinafter called the "Principal", and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a surety company authorized to do business in the State of Florida, hereinafter referred to as "Surety" are held and firmly bound to SEMINOLE COUNTY, a political subdivision of the State of Florida, in the full and just sum of Four Hundred Twenty-Three Thousand Seven Hundred Thirty and 66/100 Dollars (\$423,730.66), lawful money of The United States of America, to be paid to the Board of County Commissioners of to SEMINOLE COUNTY, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounden Principal has as a condition precedent to the approval by to SEMINOLE COUNTY of a plat of Alaquia Lakes, Phase 7 has covenanted and agreed with SEMINOLE COUNTY to construct roads, streets and alleys, drainage as well as sidewalks, sewer system, water distribution system and other improvements based upon development plans and specifications pertaining to said subdivision, said development plans and plans and specifications prepared by Donald W. McIntosh Associates, Inc. and approved by SEMINOLE COUNTY on or about the 18th day of May, 2001, and being on file with SEMINOLE COUNTY, Florida.

WHEREAS, it is a condition precedent to the recording of said subdivision that this bond be executed:

NOW THEREFORE, the conditions of these obligations are such that if the bounden Principal shall construct the aforesaid improvements in accordance with the development plans and specifications dated the 18th day of MAY, 2001, and shall in every respect fulfill its, his, their obligations under the development plans and specifications, and shall indemnify and save harmless to SEMINOLE COUNTY against or from all claims, costs, expenses, damages, injury, or loss, including engineering, legal and contingent costs which to SEMINOLE COUNTY may sustain on account of the failure of the Principal to perform in accordance with the development plans and specifications then this obligation to be void; otherwise to be and remain in full force and virtue.

The Surety unconditionally covenants and agrees that if the Principal fails to perform all or any part of the construction work required by the development plans and specifications above referred to, the Surety upon forty-five (45) days' written notice from SEMINOLE COUNTY, or its authorized agent or officer, of the default, will forthwith perform and complete the aforesaid construction work and pay the cost thereof, including, but not limited to engineering, legal and contingent costs. Should the Surety fail or refuse to perform and complete the said improvements, to SEMINOLE COUNTY, in view of the public interest, health, safety and welfare factors involved and the inducement in approving and filing the said plat, shall have the right to resort to any and all legal remedies against the Principal and the Surety, or either, both at law and in equity, including specifically specific performance, to which the Principal and Surety unconditionally agree.

The Principal and the Surety further jointly and severally agree that to SEMINOLE COUNTY, at its option, shall have the right to construct or, pursuant to public advertisement and receipt of bids, cause to be constructed the aforesaid improvements in case the Principal shall fail or refuse to do so. In the event to SEMINOLE COUNTY should exercise and give effect to such right, the Principal and the Surety shall be jointly and severally liable hereunder to reimburse SEMINOLE COUNTY the total cost thereof, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which may be sustained on account of the failure of the Principal to carry out and execute all the provisions of said agreement.

BK 0 2 8 7 PG 0 2 1 1

IN WITNESS WHEREOF, the Principal and the Surety have executed these presents this the 23rd day of JULY, 2002.

PRINCIPAL:

Address:
8430 Enterprise Circle, Suite 100
Bradenton, FL 34202

TAYLOR WOODROW COMMUNITIES,
a Florida general partnership

By: Taylor Woodrow Homes Florida, Inc., a
Florida corporation, a general partner

By: [Signature]
Name: Keith E. Bass
Title: President

By: Monarch Homes of Florida, Inc.,
a Florida corporation, a general partner

By: [Signature]
Name: Keith E. Bass
Title: President

SURETY:

Address:
175 WATER STREET
NEW YORK, NY 10038

NATIONAL UNION FIRE INSURANCE
Name: COMPANY OF PITTSBURGH, PA
By: [Signature]
Attest: CYNTHIA L. LEWIS
ATTORNEY-IN-FACT



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On **July 23, 2002** before me, **Janet C. Rojo, Notary Public**
personally appeared - - - - - **Cynthia L. Lewis** - - - - -

personally known to me - **OR** -

proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Janet C. Rojo

Signature of Notary

KNOW ALL MEN BY THESE PRESENTS:

That American Home Assurance Company, a New York corporation, and National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania corporation, does each hereby appoint

---Cynthia L. Lewis, Susan Hecker, Janet C. Rojo, Swan Lee, Susan Exline, Steven N. Passerine, Laura L. Plaisant, Wellington So, Antoinette D. Mitchell,; of San Francisco, California---

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. have each executed these presents

this 4th day of January, 2002.



Mark W. Mallonee
Mark W. Mallonee, Vice President

STATE OF NEW YORK }
COUNTY OF NEW YORK }ss.

On this 4th day of January, 2002 before me came the above named officer of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa., to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporations thereto by authority of his office.

Dorothy L. Parker
DOROTHY L. PARKER
Notary Public, State of New York
No. 01PA6060631
Qualified in Richmond County
Commission Expires June 25, 03

CERTIFICATE

Excerpts of Resolutions adopted by the Boards of Directors of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. on May 18, 1976:

"RESOLVED, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"RESOLVED, that the signatures and attestations of such officers and the seal of the Company 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 or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof;

"RESOLVED, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Elizabeth M. Tuck, Secretary of American Home Assurance Company and of National Union Fire Insurance Company of Pittsburgh, Pa. do hereby certify that the foregoing excerpts of Resolutions adopted by the Boards of Directors of these corporations, and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolutions and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of each corporation

this 23rd day of JULY, 2002



Elizabeth M. Tuck
Elizabeth M. Tuck, Secretary

BK 0 2 8 7 PGO 2 1 4



Taylor Woodrow

1704 Alaqua Lakes Blvd.
Longwood, Florida 32779

Tel 407.444.0156
Fax 407.444.0533
taylorwoodrow.com

May 21, 2004

Mike Rumer
Seminole County Development Services
520 W. Lake Mary Blvd.
Sanford, FL 32773

FAX: 407-665-7456

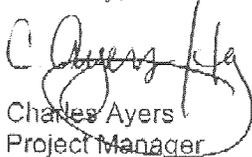
RE: Release of Bond

Dear Mr. Rumer:

This request is for the release of a Bond Agreement for Alaqua Lakes Phase 7, Bond #29-07-60 and for the original Bond/Agreement to be returned. Please forward this document to my attention at 1704 Alaqua Lakes Blvd., Longwood, FL, 32779.

If you have any questions, please contact me at 407-444-0156.

Sincerely,


Charles Ayers
Project Manager

\$ 423,730.66