

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Release of Maintenance Bonds

DEPARTMENT: Environmental Services **DIVISION:** Business Office

AUTHORIZED BY: *Robert G. Adolph* **CONTACT:** *Becky Noggle* **EXT.** 2143
Robert G. Adolph, P.E., Director Becky Noggle, Sr. Coordinator

Agenda Date <u>07/22/03</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"/>
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MOTION/RECOMMENDATION:

Approve release of original Water and Sewer Maintenance Bonds

BACKGROUND:

The following project has satisfactorily completed the two (2) year maintenance inspection by the Water and Sewer Division.

Release Maintenance Bond #6049197 (Pulte Homes) in the amount of \$37,963.00 for water and sewer which was accepted by submission into County Records Memorandum dated January 19, 2001 for the project known as Chase Townhomes Ph1 District 5.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u><i>MB</i></u>
CM: <u><i>KB</i></u>
File No. <u>CESA01</u>

LAND DEVELOPMENT CODE

The SURETY unconditionally covenants and agrees that if the PRINCIPAL fails to perform, within the time specified, the SURETY, upon 30 days written notice from COUNTY, or its authorized agent or officer, of the default will forthwith correct such defect or defects and pay the cost thereof, including, but not limited to engineering, legal and contingent cost. Should the SURETY fail or refuse to correct said defects, the COUNTY, in view of the public interest, health, safety, welfare and factors involved, and the consideration in approving and filing the said plat shall have the right to resort to any and all legal remedies against the PRINCIPAL and SURETY and either, both at law and in equity, including specifically, specific performance to which the PRINCIPAL and SURETY unconditionally agree.

The PRINCIPAL and SURETY further jointly and severally agree that the COUNTY at its option, shall have the right to correct said defects resulting from faulty materials or workmanship, or, pursuant to public advertisement and receipt of bids, caused to be corrected any defects or said defects in case the PRINCIPAL shall fail or refuse to do so, and in the event the COUNTY should exercise and give effect to such right, the PRINCIPAL and the SURETY shall be jointly and severally hereunder to reimburse the COUNTY the total cost thereof, including, but not limited to, engineering, legal and contingent cost, together with any damages either direct or consequent which may be sustained on account of the failure of the PRINCIPAL to correct said defects.

IN WITNESS WHEREOF, the PRINCIPAL and the SURETY have executed these presents this 19th day of April, 19 2000.

Address:
555 Winderley Place, Suite 420
Maitland, FL 32751

Pulte Home Corporation (SEAL)

By: Calvin R. Boyd Its: Dir of Treasury Operations
(If a corporation)

ATTEST: Nancy H. Gawthrop Its: Assistant Secretary
(If a corporation)
Nancy H. Gawthrop

Address:
Millennium Corporate Park
Building C
18400 Northeast Union Hill Road
Redmond, WA 98052

Safeco Insurance Company of America (SEAL)
SURETY

By: Robert Porter
Its Attorney-in-Fact
Robert Porter

ATTEST: Marcia G. Howard
Marcia G. Howard

Supplement No. 12

Appendix E-66



POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 8011

NOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint
*****COLETTE R. ZUKOFF; SUZANNE TREPPA; JOHN R. STOLLER; VINCENT J. FREES; CALVIN R. BOYD; JULIA T. CORCORAN; MAUREEN E. THOMAS; JANE
BOTTING; BRUCE E. ROBINSON; ROBERT PORTER; Bloomfield Hills, Michigan*****

is true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 31st day of January, 2000

R.A. Pierson

R.A. PIERSON, SECRETARY

W. Randall Stoddard

W. RANDALL STODDARD, PRESIDENT

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business...

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

On any certificate executed by the Secretary or an assistant secretary of the Company setting out,
(i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,
the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof.

I, R.A. Pierson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

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

this 19TH day of APRIL, 2000



R.A. Pierson

R.A. PIERSON, SECRETARY

ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

On this 19th day of April, 2000 before me, the undersigned authorized employee, personally appeared Calvin R. Boyd who acknowledges himself to be Director of Treasury Operations of Pulte Home Corporation and that he as such employee being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such employee.

My Commission Expires: March 26, 2002

Marcia G. Howard
Notary Public, Marcia G. Howard
Oakland County, Michigan

