

Item # 20

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Authorize Release of Performance Bond

DEPARTMENT: Planning & Development **DIVISION:** Development Review

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Cynthia Sweet *eds* **EXT.** 7443

Agenda Date <u>9/23/2003</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:

Authorize release of the Performance Bond for Paving, Landscaping and Irrigation for Heather Glen as requested by The Ryland Group, Inc.

District 3 – (Cynthia Sweet – Planner)

BACKGROUND:

The following Performance Bond was required as part of the Land Development Code Section 35.44 (d) (1) to secure the construction and completion of the subdivision improvements. Staff has conducted their final construction inspection and found that the construction requirement has been completed per the approved final engineering plan.

Performance Bond # 98SB103641538 for \$129,014.21 – dated 7/5/2001 (Travelers Casualty and Surety Company of America) – expiration date of bond 7/5/2003.

STAFF RECOMMENDATION:

Staff recommends release of Performance Bond # 98SB103641538.

District 3
Attachments: Copy of bond - Exhibit A

Reviewed by:	
Co Atty:	<u>RCC</u>
DFS:	
Other:	<u>SS</u>
DCM:	<u>SS</u>
CM:	<u>JK</u>
File No.	<u>cpdd02</u>

PERFORMANCE BOND
(Paving, Landscaping & Irrigation)

Bond No. 98SB103641538

Heather Glen

KNOW ALL MEN BY THESE PRESENTS:

That we, **The Ryland Group, Inc.**, whose address is 605 E. Robinson St., Suite # 750, Orlando, Florida 32801, hereinafter called the "**Principal**", and **Travelers Casualty and Surety Company of America**, a surety company authorized to do business in the State of Florida, hereinafter called "**Surety**" are held and firmly bound to **Seminole County**, a political subdivision of the State of Florida, in the full and just sum of **One Hundred Twenty Nine Thousand Fourteen and 21/100 (\$129,014.21)** Dollars lawful money of the United States of America, to be paid to the Board of County Commissioners of **Seminole County**, to which payment well and truly to be made, we bind ourselves, or 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 **Seminole County** of a plat of Heather Glen 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 Hartman & Associates, Inc. and approved by **Seminole County** on or about the 27th day of September, 2000 and revised on May 4, 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 26th February, 1999, and shall in every respect fulfill its, his, their, obligations under the development plans and specifications, and shall indemnify and save harmless **Seminole County** against or from all claims, costs, expenses, damages, injury, or loss, including engineering, legal and contingent costs which **Seminole County** must 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, **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 **Seminole County**, as 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 **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,

EXHIBIT A

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.

IN WITNESS WHEREOF, the **Principal** and the **Surety** have executed these presents this 5th day of July, 2001.

PRINCIPAL:

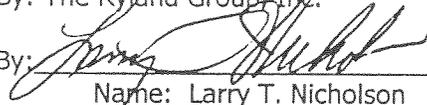
Address:

605 E. Robinson St. #750
Orlando, FL 32801

The Ryland Group, Inc.

By: The Ryland Group, Inc.

By:



Name: Larry T. Nicholson
Title: Division President

Address:

6940 Columbia Gateway Dr.
Suite 200
Columbia, MD 21046

Surety:

Travelers Casualty and Surety Company of America

By:



Shannon R. Keane, Attorney-in-Fact

Attest:



TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Shannon R. Keane, Alexandria N. Gardner, David C. Moylan, Julia B. Taylor, Susan B. Willett, of Washington, DC, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 19th day of March 2001.

STATE OF CONNECTICUT

)SS. Hartford

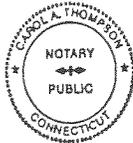
COUNTY OF HARTFORD

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY



By 
George W. Thompson
Senior Vice President

On this 19th day of March, 2001 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



Carol A. Thompson

My commission expires December 31, 2002 Notary Public
Carol A. Thompson

CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 5th day of July, 2001.



By 
Kori M. Johanson
Assistant Secretary, Bond