

Item # 42

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Release of the Performance Bond for The Retreat at Wekiva, Phase 1

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Dan Matthys CONTACT: Cynthia Sweet EXT. 7443

Agenda Date 11/15/2005 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

MOTION/RECOMMENDATION:

Authorize the release of Performance Bond # 3SM98789900 for The Retreat at Wekiva, Phase 1 as requested by Crosswinds Communities (Marc Goodman, Director of Land Development)

District 5 – Carey (Cynthia Sweet, Planner)

BACKGROUND:

The subdivision is located on the north side of Orange Blvd., approximately 1/4 mile west of I-4, in Sections 17, 18, 19 & 20, Township 19 South, Range 30 East, within the Retreat at Wekiva Planned Unit Development.

The following Performance Bond was required as part of the Land Development Code Section 35.44(e)(1) to secure the construction and completion of the subdivision improvements for The Retreat at Wekiva, Phase 1:

Performance Bond # 3SM98789900 for \$197,754.00 (American Motorists Insurance Company)

The Performance Bond was replaced with a Maintenance Bond to insure the maintenance of the subdivision improvements. Staff has conducted the final construction inspection and found that all construction requirements were completed per the approved final engineering plan.

STAFF RECOMMENDATION:

Staff recommends the Board authorize the release of Performance Bond # 3SM98789900 for subdivision improvements for The Retreat at Wekiva, Phase 1, as requested by the applicant.

District 5 – Carey  
Attachment: Copy of Bond # 3SM98789900

Reviewed by: [Signature]  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. cpdd02

FIRST TERM PREMIUM FULLY EARNED

Bond Number : 3SM 987 899 00

Premium (Two Years) : \$1,384.00

## SUBDIVISION BOND FAITHFUL PERFORMANCE

KNOW ALL MEN BY THESE PRESENTS: That, Retreat-Seminole, Limited Partnership, as Principal, and the AMERICAN MOTORISTS INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Illinois and authorized to transact surety business in the State of Florida as Surety, are held and firmly bound unto Seminole County, as Obligee, in the sum of One Hundred Ninety Seven Thousand Seven Hundred Fifty Four & 00/100 DOLLARS (\$197,754.00), for which the payment whereof, well and truly to be made, said Principal and Surety bind themselves, their heirs, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE Condition of the foregoing obligation is such that, whereas the above bounden Principal has entered into a contract/agreement, dated 00/00/00, with the Obligee to do and perform the following work; to wit:

### Improvements for The Retreat at Wekiva, Phase I

NOW, THEREFORE, if the above bounden Principal shall well and truly perform the work contracted to be performed under said contract, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED, DATED: March 28, 2001

Retreat-Seminole, Limited Partnership  
(Principal)

By: \_\_\_\_\_  
See Attached Signature Page

American Motorists Insurance Company  
(Surety)

By:   
Janina Monroe, Attorney In Fact



DIRECT CORRESPONDENCE TO :

LOU JONES & ASSOCIATES, PO BOX 41375, 7470 N. FIGUEROA ST., LOS ANGELES, CA 90041

PHONE (323) 257-8291 • FAX (323) 256-7218

Signature Page

Bond No.: 3SM 987 899 00

"Developer"

Retreat-Seminole, Limited Partnership  
a Florida Limited Partnership

By: ~~FL MS II/SETOP~~, L.L.C.  
a Florida Limited Liability Company  
General Partner

By: Hearthstone ,  
a California Corporation  
Manager

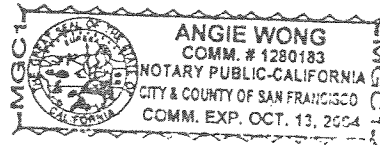
By:   
Tracy T. Carver  
Sr. Vice President -GC



State of California )  
 ) ss.  
County of San Francisco )

On April 2, 2001, before me, Angie Wong, personally appeared TRACY T. CARVER, 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 he executed the same in his authorized capacity, and that by his 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.



Angie Wong  
Notary's Signature

(Seal)

STATE OF California }  
COUNTY OF Orange } SS.

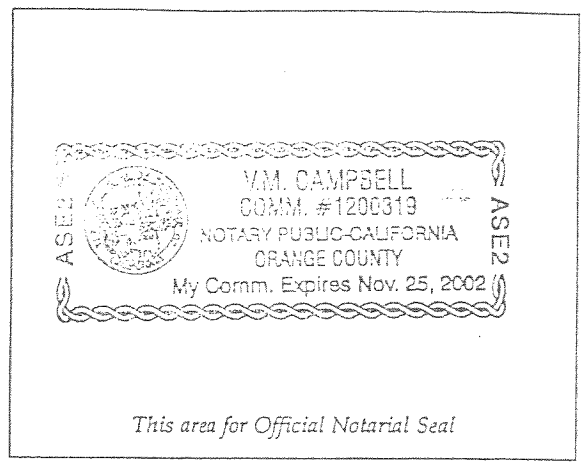
On March 28th, 2001, before me, V.M. Campbell, Notary Public

PERSONALLY APPEARED Janina Monroe

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature V.M. Campbell



**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL
- CORPORATE OFFICER
- \_\_\_\_\_ TITLE(S)
- PARTNER(S)       LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_ TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_ NUMBER OF PAGES

\_\_\_\_\_ DATE OF DOCUMENT

\_\_\_\_\_ SIGNER(S) OTHER THAN NAMED ABOVE

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_

\_\_\_\_\_

## POWER OF ATTORNEY

Know All Men By These Presents:

That the Lumbermens Mutual Casualty Company, the American Motorists Insurance Company, and the American Manufacturers Mutual Insurance Company, corporations organized and existing under the laws of the State of Illinois, having their principal office in Long Grove, Illinois, (hereinafter collectively referred to as the "Company") do hereby appoint

Janina Monroe, Victoria M. Campbell and Thomas G. McCall of Newport Beach, CA (EACH) \*\*\*\*\*

their true and lawful agent(s) and attorney(s)-in-fact, to make, execute, seal, and deliver during the period beginning with the date of issuance of this power and ending on the date specified below, unless sooner revoked for and on its behalf as surety, and as their act and deed:

Any and all bonds and undertakings \*\*\*\*\*

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver any bond or undertaking which guarantees the payment or collection of any promissory note, check, draft or letter of credit.

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.

This appointment may be revoked at any time by the Company.

The execution of such bonds and undertakings 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 their regularly elected officers at their principal office in Long Grove, Illinois.

THIS APPOINTMENT SHALL CEASE AND TERMINATE WITHOUT NOTICE AS OF December 31, 2001

This Power of Attorney is executed by authority of resolutions adopted by the Executive Committees of the Boards of Directors of the Company on February 23, 1988 at Chicago, Illinois, 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 any Vice President, 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 to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings, 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 Executive Committee of the Boards of Directors of the Company at a meeting duly called and held on the 23rd day of February, 1988:

"VOTED, That the signature of the Chairman of the Board, the President, any Vice President, 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 resolution adopted by the Executive Committee of the Board of Directors on February 23, 1988 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."

In Testimony Whereof, the Company has caused this instrument to be signed and their corporate seals to be affixed by their authorized officers, this May 8, 2000.

Attested and Certified:

Lumbermens Mutual Casualty Company  
American Motorists Insurance Company  
American Manufacturers Mutual Insurance Company

*Robert P. Hames*

Robert P. Hames, Secretary



by

*J. S. Kemper III*

J. S. Kemper, III, Exec. Vice President

STATE OF ILLINOIS SS  
COUNTY OF LAKE

I, Irene Kiewer, a Notary Public, do hereby certify that J. S. Kemper, III and Robert P. Hames personally known to me to be the same persons whose names are respectively as Exec. Vice President and Secretary of the Lumbermens Mutual Casualty Company, the American Motorists Insurance Company, and the American Manufacturers Mutual Insurance Company, Corporations organized and existing under the laws of the State of Illinois, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seals and delivered the said instrument as the free and voluntary act of said corporations and as their own free and voluntary acts for the uses and purposes therein set forth.



*Irene Kiewer*

Irene Kiewer, Notary Public

My commission expires 1-28-02

CERTIFICATION

I, J.K. Conway, Corporate Secretary of the Lumbermens Mutual Casualty Company, the American Motorists Insurance Company, and the American Manufacturers Mutual Insurance Company, do hereby certify that the attached Power of Attorney dated May 8, 2000 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said J. S. Kemper, III and Robert P. Hames, who executed the Power of Attorney as Executive Vice President and Secretary respectively were on the date of the execution of the attached Power of Attorney the duly elected Executive Vice President and Secretary of the Lumbermens Mutual Casualty Company, the American Motorists Insurance Company, and the American Manufacturers Mutual Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Lumbermens Mutual Casualty Company, the American Motorists Insurance Company, and the American Manufacturers Mutual Insurance Company on this

March 28th, 2001



*J. K. Conway*

J. K. Conway, Corporate Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.