

Item # 49

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: DUNWOODY COMMONS RELEASE OF PERFORMANCE BOND

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Denny Gibbs **EXT.** 7359

Agenda Date <u>12/14/04</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:

Authorize the release of the Performance Bond for infrastructure improvements for Dunwoody Commons Phase 1 townhomes, as requested by Pulte Homes Corporation.

District 5 – Carey (Denny Gibbs – Planner) *RD*

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 subdivision improvements for Dunwoody Commons Phase 1 townhomes. Staff has conducted the final construction inspection and found that the construction requirements were completed per the approved final engineering plan.

Bond # 8188-34-96 in the amount of \$2,262,104.17 issued by Federal Insurance Company.

STAFF RECOMMENDATION:

Authorize the release of the Performance Bond for Dunwoody Commons Phase 1 townhomes.

District 5 – Carey
Attachments: Performance Bond

Reviewed by: _____ Co Atty: <u><i>KRL</i></u> DFS: _____ Other: <u><i>JAN</i></u> DCM: <u><i>[Signature]</i></u> CM: <u><i>[Signature]</i></u> File No. <u>cpdd04</u>
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Bond No. 8188-34-96

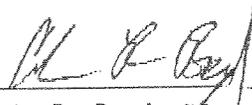
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that Pulte Home Corporation
of 555 Winderley Place, Suite 420, Maitland, FL 32751
as Principal, and Federal Insurance Company a corporation
organized and existing under the laws of the State of Indiana and authorized to transact
business in the state of Florida, as Surety, are held and firmly bound unto
Seminole County
of 1101 East First Street, Sanford, FL 32771 as Oblige, in
the penal sum of two million two hundred sixty two thousand one hundred four and 17/100
(\$ 2,262,104.17) for the payment of which sum, well and truly to be made, we bind
ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by
these presents.

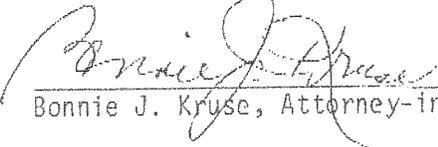
WHEREAS, the Principal has agreed to construct or have constructed, _____
completion of infrastructure for Dunwoody Commons-Phase I.

NOW, THEREFORE, the condition of this obligation is such that if said Principal shall well and truly
perform said work in accordance with said standards, then this obligation shall be void, otherwise to
remain in full force and effect.

Signed, sealed and dated this 19th day of August, 2003

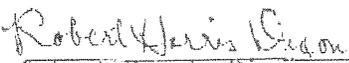
Pulte Home Corporation


Calvin R. Boyd, Director of Treasury Operations

Federal Insurance Company


Bonnie J. Kruse, Attorney-in-Fact

Countersigned by:



Robert Harris Dixon
1701 West Garden St. Pensacola, FL



POWER OF ATTORNEY

Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company

Attn.: Surety Department
15 Mountain View Road
Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint James I. Moore, Peggy Faust, Bonnie J. Kruse, Alice Rhoads, Stephen T. Kazmer, Kelly A. Jacobs and Dawn J. Morgan of Countryside, Illinois

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 31st day of July, 2000

Kenneth C. Wendel, Assistant Secretary

Frank E. Robertson, Vice President

STATE OF NEW JERSEY ss. County of Somerset

On this 31st day of July, 2000, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority, and that he is acquainted with Frank E. Robertson, and knows him to be Vice President of said Companies; and that the signature of Frank E. Robertson, subscribed to said Power of Attorney is in the genuine handwriting of Frank E. Robertson, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



MICHELE R. MCKENNA
Notary Public, State of New Jersey
No. 2229941
Commission Expires Sept. 25, 2004

Michele R. McKenna, Notary Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, 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 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 with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U. S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U. S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 19th day of August, 2003



Kenneth C. Wendel, Assistant Secretary

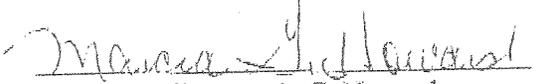
IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903-3485 Fax (908) 903-3656 e-mail: surety@chubb.com

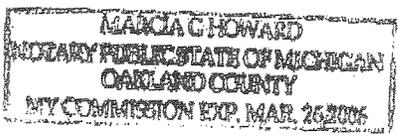
ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

On this 19th day of August, 2003, before me, the undersigned authorized employee, personally appeared Calvin R. Boyd, who acknowledges himself to be Director of Treasury Operations of Pulte Home Corporation, that he as such employce 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, 2006


Notary Public, Marcia G. Howard
Oakland County, Michigan



MH-033

