

RESOLUTION NO. 2019-15

A RESOLUTION OF THE CITY OF VENICE, FLORIDA, ACCEPTING UTILITIES AND IMPROVEMENTS INSTALLED BY MERITAGE HOMES OF FLORIDA, INC., AND ACCEPTING A ONE YEAR DEVELOPERS MAINTENANCE BOND AND BILL OF SALE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Meritage Homes of Florida, Inc., hereinafter referred to as "Developer", has installed potable water distribution lines and necessary appurtenances for the rendering of potable water services to the following described property: Portion of Venice Woodlands Phase I; and

WHEREAS, Developer, in accordance with the City of Venice Resolution No. 853-84 is desirous of turning over said improvements to the City of Venice; and

WHEREAS, the construction and installation of said improvements complies with the rules and regulations of the City of Venice; and

WHEREAS, Developer has submitted the documentation required by City of Venice Resolution No. 853-84, including a one-year maintenance bond and said documentation is acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above Whereas clauses are ratified and confirmed as true and correct.

SECTION 2. The potable water distribution lines and necessary appurtenances, in the area above described, are hereby accepted as part of the water system of the City of Venice, Florida.

SECTION 3. The Bill of Sale attached hereto as Exhibit "1", is hereby accepted by the City of Venice, Florida.

SECTION 4. The one-year developer's maintenance bond attached hereto as Exhibit "2", is hereby accepted by the City of Venice, Florida.

SECTION 5. This Resolution shall take effect upon adoption, as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AT A MEETING HELD ON THE 11TH DAY OF JUNE 2019.

John W. Holic, Mayor, City of Venice

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 11th day of June 2019, a quorum being present.

WITNESS my hand and official seal of said City this 11th day of June 2019.

Lori Stelzer, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney

BILL OF SALE
PORTION OF VENICE WOODLANDS PHASE 1 WATER MAIN

KNOW ALL MEN BY THESE PRESENTS, that MERITAGE HOMES OF FLORIDA, INC., a Florida corporation, PARTY OF THE FIRST PART, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by the CITY OF VENICE, PARTY OF THE SECOND PART, the receipt of which is hereby acknowledged, by these presents does grant, bargain, sell, transfer, and deliver unto the party of the second part, its successors and assigns, all those certain goods and chattels located in the County of Sarasota and the State of Florida, more particularly described as follows:

A portion of the pipelines, pipes, tees, ells, connections, cut-offs, fire hydrants, valves, and all other equipment used for, useful for, and/or in connection with, the water distribution system constructed and installed by the party of the first part in the subdivision and lands described as follows:

Portion of Venice Woodlands Phase 1

It is the purpose and intent of the party of the first part to convey to the party of the second part, by this Bill of Sale, all property comprising said water distribution system to and within the above described property, together with all of the rights of the party of the first part arising out of any and all guarantees, performance bonds, contracts and agreements of the party of the first part in connection with said water distribution system.

TOGETHER with every right, privilege, permit and easement of every kind and nature of the party of the first part, in and to and in connection with, the aforesaid water distribution system, reserving however, similar non-exclusive easement rights in party of the first part for other utility purposes.

TO HAVE AND TO HOLD the same unto the party of the second part, its successors and assigns, forever.

AND THE PARTY OF THE FIRST PART does for itself and its successors covenant to and with the party of the second part, its successors and assigns, that it is the lawful owner of the above described goods and chattels and that the said property is free and clear of all liens, encumbrances, and charges whatsoever; that it has good right and lawful authority to sell the same as aforesaid, and that it does warrant to defend the title and the sale of the said properties hereby made, unto the said party of the second part, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed and its name by its proper officers and its corporate seal to be affixed, this 23 day of May, 2019.

WITNESSES: [Handwritten signatures]

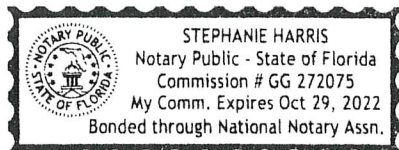
DEVELOPER: Meritage Homes of Florida, Inc.
By: [Handwritten signature]
Steve Harding, President-Florida Region

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Subscribed before me this 23rd day of May, 2019, by Steve Harding, who is personally known to me or has produced as identification.

[Handwritten signature]
Notary Public

Notary stamp:





March 28, 2019

Ms. Kathleen Weeden, P.E.
City of Venice
City Engineer's Office
401 West Venice Avenue
Venice, FL 34285

Re: A Portion of Venice Woodlands, Phase 1
Affidavit of No Liens

To Whom It May Concern:

This letter is to certify that there are no liens in existence against any of the work involving the installation of the model center water main lines serving Venice Woodlands.

Sincerely,

Steve Harding, President- Florida Region

State of Florida

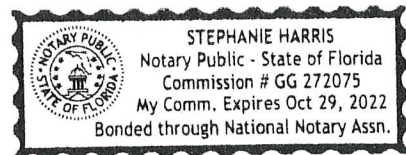
County of Hillsborough

Subscribed before me this 23 day of May, 2019, by Steve Harding
who is personally known to me or has produced _____ as identification.

Stephanie Harris
Notary Public

Notary stamp:

Commission No. GG 272075



DEVELOPERS MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that Meritage Homes of Florida, Inc., a Florida corporation, herein called "Developer", is held and firmly bound unto the City of Venice, a municipal corporation, herein called "City", in the full and just sum of Sixty-Six Thousand Two Hundred Six Dollars and 26/100 (\$66,206.26) Dollars, lawful money of the United States of America, to the payment of which sum, well and truly to be made, the Developer binds itself, its heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Developer to secure this obligation, has provided the City with a Maintenance Bond No. 30068076 in the amount of \$ 66,206.26 issued by The Continental Insurance Company, which expires on July 28th, 2020, the original of which is attached hereto.

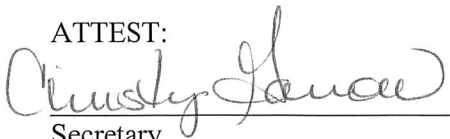
WHEREAS, the Developer has developed a residential subdivision in Venice, Florida, known and identified as Venice Woodlands Phase 1, and in connection therewith has installed, with the approval of the City Engineer, certain improvements identified on EXHIBIT A attached hereto.

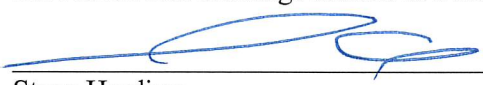
NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS, that if the Developer shall promptly maintain, repair or replace said improvements as required by the City should said improvements, for whatever causes, require repair or replacement for a period of one year from the date of formal acceptance of said improvements by the City, and further that if the Developer shall pay any and all costs or expenses incidental to the performance of all work required to be performed hereunder, then this obligation shall be void and the letter of credit returned to the Developer, otherwise it shall remain in full force and effect.

In the event the Developer fails to satisfactorily perform any repair or maintenance work required herein within fifteen (15) days of a written request from the City, then the Developer shall be in default and the City shall have, in addition to all other rights, the immediate right to make or cause to be made, any such repairs and pay all costs, both direct and incidental, from the proceeds of this bond.

The City shall be entitled to its reasonable attorney's fees and costs in any action at law or equity, including appellate court actions, to enforce the City's rights under this bond.

IN WITNESS WHEREOF, the Developer has caused these presents to be duly executed on the 7th day of May, 2019.

ATTEST:

Secretary

DEVELOPER: Meritage Homes of Florida, Inc.

Steve Harding
President-Florida Region

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know-All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

James I Moore, Kevin J Scanlon, R L Mc Wethy, Stephen T Kazmier, Dawn L Morgan, Kelly A Gardner, Melissa Schmidt, Elaine Marcus, Jennifer J Mc Comb, Tarlese M Piscotto, Amy Wickett, Diane M Rubright, Individually

of Downers Grove, IL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 26th day of June, 2018.



The Continental Insurance Company

Paul T. Bruffat
Paul T. Bruffat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 26th day of June, 2018, before me personally came Paul T. Bruffat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2021

J. Mohr
J. Mohr Notary Public

CERTIFICATE

I, D. Johnson, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 2nd day of April, 2019.



The Continental Insurance Company

D. Johnson
D. Johnson Assistant Secretary

Form F6850-4/2012

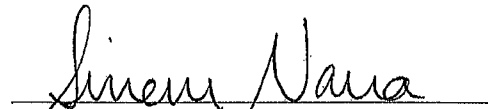
Go to www.cnasurety.com > Owner / Obligor Services > Validate Bond Coverage, if you want to verify bond authenticity.

State of Illinois }
 } ss.
County of DuPage }

On April 2, 2019, before me, Sinem Nava, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Dawn L. Morgan known to me to be Attorney-in-Fact of The Continental Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires August 28, 2021



Sinem Nava, Notary Public



Commission No. 859777

RIDER

To be attached to and form a part of Bond No. 30068076

Effective: April 2, 2019

Bond Amount: \$66,206.26

Executed by: Meritage Homes of Florida, Inc. as Principal

and by: The Continental Insurance Company as Surety

in favor of: City of Venice, Florida as Obligee

In consideration of the mutual agreements herein contained, the Principal and the Surety hereby consent to revise the public improvements to read:


A portion of Venice Woodlands, Phase 1 Water Main

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.


This rider is effective: April 2, 2019

Signed and Sealed: May 6, 2019

Principal: Meritage Homes of Florida, Inc.

By: 
Darin E. Rowe Vice President Asset Management Principal

Surety: The Continental Insurance Company

By: 
Dawn L. Morgan, Attorney-in-Fact

State of Illinois }
 } ss.
County of DuPage }

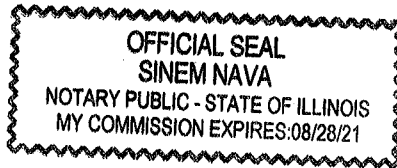
On May 6, 2019, before me, Sinem Nava, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Dawn L. Morgan known to me to be Attorney-in-Fact of The Continental Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires August 28, 2021



Sinem Nava, Notary Public



Commission No. 859777

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

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James I Moore, Kevin J Scanlon, R L Mc Wefly, Stephen T Kazmer, Dawn L Morgan, Kelly A Gardner, Melissa Schmidt, Elaine Marcus, Jennifer J Mc Comb, Tariese M Pisciotto, Amy Wickett, Diane M Rubright, Individually

of Downers Grove, IL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 26th day of June, 2018.

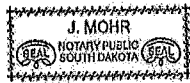


The Continental Insurance Company

Paul T. Bruflat
Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 26th day of June, 2018, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2021

J. Mohr
J. Mohr Notary Public

CERTIFICATE

I, D. Johnson, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 6th day of May, 2019.



The Continental Insurance Company

D. Johnson
D. Johnson Assistant Secretary

Form F6850-4/2012

Go to www.cnasurety.com > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.

Authorizing Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF THE CONTINENTAL INSURANCE COMPANY;

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company at a meeting held on May 10, 1995.

"RESOLVED: That any Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Paul T. Bruffat, Vice President, who has been authorized pursuant to the above resolution to execution power of attorneys on behalf of The Continental Insurance Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved, that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."

Kimley»Horn

May 8, 2019

Ms. Kathleen Weeden, P.E.
City Engineer
City of Venice
401 West Venice Avenue
Venice, Florida 34285

Re: A Portion of Venice Woodlands Phase 1 Water Main

Our Ref: 048119141

Dear Ms. Weeden:

I certify that the estimated cost of the required maintenance for a portion of Venice Woodlands Phase 1 consisting of the City of Venice water system needed for 22 Single Family Homes, is \$441,375.05. An itemized breakdown of this estimate is attached for your review.

The developer of this project, Meritage Homes of Florida, Inc., will furnish security in the form of bond in the amount of \$66,206.26 (15% of the estimated cost) to guarantee completion of the required maintenance and to allow the certification of a portion of Venice Woodlands Phase 1, to be recorded prior to completion of the improvements.

Please indicate that the above amount is acceptable in order that Meritage Homes may proceed to acquire the bond.

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

No. 57414
STATE OF FLORIDA
William E. Conerly, P.E.
Florida Registration #57414
5-9-19

WEC: (K:\SAR_Civil\048119141 - The Woods of Venice\CONSTRUCTION\Bonds\Maintenance Bond\2019-04-19_Maintenance Bond Letter.docx)

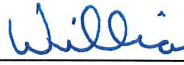
Attachments

cc: Christy Garrow, Meritage Homes of Florida, Inc.

**ENGINEERS OPINION OF PROBABLE COST OF CONSTRUCTION
FOR MAINTENANCE BOND FOR
A PORTION OF VENICE WOODLANDS PHASE 1 WATER MAIN (22 units)**

ITEM	DESCRIPTION	ESTIMATED QUANTITY		UNIT PRICE	AMOUNT
I. UNDERGROUND					
II.c WATER DISTRIBUTION					
1	2" PE Water Main (SDR 21)	385	LF	\$11.00	\$ 4,235.00
2	4" PVC DR-18, C900, CL-235 Water Main (with fittings)	378	LF	\$13.50	\$ 5,103.00
3	8" PVC DR-18, C900, CL-235 Water Main (with fittings)	347	LF	\$21.50	\$ 7,460.50
4	12" PVC DR-18, C900, CL-235 Water Main (with fittings)	263	LF	\$37.75	\$ 9,928.25
5	4" Gate Valve	1	EA	\$720.00	\$ 720.00
6	8" Gate Valve	1	EA	\$1,250.00	\$ 1,250.00
7	12" Gate Valve	2	EA	\$2,250.00	\$ 4,500.00
8	Fire Hydrant Assembly	1	EA	\$4,600.00	\$ 4,600.00
9	Single water service (Short)	11	EA	\$470.00	\$ 5,170.00
10	Single water service (Long)	11	EA	\$545.00	\$ 5,995.00
11	Autoflusher Assembly	1	EA	\$9,250.00	\$ 9,250.00
12	Pressure testing of main	1,373	LF	\$1.75	\$ 2,402.75
13	Chlorination and bacteriological clearance	1,373	LF	\$0.35	\$ 480.55
WATER DISTRIBUTION TOTAL					\$ 61,095.05
III. OFFSITE IMPROVEMENTS					
1	12" PVC DR-18, C900, CL-235 Water Main (with fittings)	5,810	LF	\$39.50	\$ 229,495.00
2	16" HDPE Watermain	615	LF	\$64.50	\$ 39,667.50
3	Connect to Existing 12" PVC Watermain	1	EA	\$4,700.00	\$ 4,700.00
4	12" Gate Valve	9	EA	\$2,250.00	\$ 20,250.00
5	Fire Hydrant Assembly	6	EA	\$4,600.00	\$ 27,600.00
6	Air Release Valve and Vacuum	4	EA	\$4,350.00	\$ 17,400.00
7	Directional Drill	615	LF	\$45.00	\$ 27,675.00
8	Pressure testing of main	6,425	LF	\$1.75	\$ 11,243.75
9	Chlorination and bacteriological clearance	6,425	LF	\$0.35	\$ 2,248.75
OFFSITE IMPROVEMENTS TOTAL					\$ 380,280.00
SUMMARY					
II. UNDERGROUND					
II.c WATER DISTRIBUTION					\$ 61,095.05
IV. OFFSITE IMPROVEMENTS					\$ 380,280.00
SUBTOTAL					\$ 441,375.05
15% OF TOTAL FOR MAINTENANCE BOND					\$ 66,206.26

Disclaimer: The Registered Professional has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Registered Professional at this time and represent only the Registered Professional's judgment as a design professional familiar with the construction industry. The Registered Professional cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.


 WILLIAM E. CONERLY, P.E.
 FL. REGISTERED PROFESSIONAL ENGINEER
 No. 57414
 # 57414
 LICENSED 5-8-19
