

RESOLUTION NO. 2015-26

A RESOLUTION OF THE CITY OF VENICE, FLORIDA, ACCEPTING UTILITIES AND IMPROVEMENTS INSTALLED BY NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, AND ACCEPTING A ONE YEAR DEVELOPERS MAINTENANCE BOND, AND BILL OF SALE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Neal Communities of Southwest Florida, LLC, hereinafter referred to as "Developer", has installed potable water distribution lines and necessary appurtenances for the rendering of potable water services described as follows: The Villages of Milano watermain consisting of 3,049 LF of water main serving lots 94 through 155 within the City of Venice to serve the future Villages of Milano subdivision (Referenced WD: 901-14-011 FDOH Permit); 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 by Developer are hereby accepted as part of the water system of the City of Venice, Florida.

SECTION 3. The one year developer's maintenance bond, attached hereto as Exhibit "1", is hereby accepted by the City of Venice, Florida.

SECTION 4. The Bill of Sale, 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 8TH DAY OF DECEMBER 2015.

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 8th day of December 2015, a quorum being present.

WITNESS my hand and official seal of said City this 8th day of December 2015.

Lori Stelzer, MMC, City Clerk

(S E A L)

Approved as to form:

David Persson, City Attorney

DEVELOPERS MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that Neal Communities of Southwest Florida, LLC , 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 Thirty-One Thousand Seven Hundred One Dollars and Eight-Three Cents (\$31,701.83), 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 an Irrevocable Standby Surety Bond No. 3037139 in the amount of \$31,701.83 issued by Great American Insurance Company, which expires on 12/15/2016, the original of which is attached hereto.

WHEREAS, the Developer has developed a Subdivision in Venice, Florida, known and identified as Villages of Milano, and in connection therewith has installed, with the approval of the City Engineer, certain improvements identified as Final Water Clearance 3,049 LF of Water Main Serving Lots 94 through 155 within the Villages of Milano Subdivision (Referenced WD: 901-14-011 FDOH Permit).

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 5 day of November, 2015.

ATTEST: Priscilla G Heim Secretary
DEVELOPER: Neal Communities of Southwest Florida, LLC
James R Schier President/Vice President
Priscilla G. Heim JAMES R. SCHIER

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than **THREE**

No. 0 20517

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
FREDERIC M. ARCHERD, JR.,	ALL OF	ALL
TANYA L. RUSSO	TAMPA, FLORIDA	\$100,000,000
RICHARD P. RUSSO, JR.		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 20TH day of MAY 2014



Atty L C B
Assistant Secretary

GREAT AMERICAN INSURANCE COMPANY

David C. Kitchin
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DAVID C. KITCHIN (877-377-2405)

On this 20TH day of MAY, 2014, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



Shelle Clontz
Notary Public, State of Ohio
My Commission Expires 08-09-2015

Shelle Clontz

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 25th day of September, 2015.



Atty L C B
Assistant Secretary



**Engineer's Certified Cost of Construction
Villages of Milano
Clearance Package #3
for City of Venice Maintenance Bond
3,049 LF of Water Main Serving Lots 94 through 155 within the Villages of Milano Subdivision
(Referenced WD: 901-14-011 FDOH Permit)**

Site Development Cost Breakdown Summary

Water	\$211,345.50
Total Cost Opinion	\$211,345.50
Total x 15%	\$31,701.83

Certificate of Cost Opinion

I, Melanie D. Smith, hereby submit that my opinion of cost for the improvements itemized herein is Two Hundred Eleven Thousand Three Hundred Forty Five Dollars and Fifty Cents (\$211,345.50).

Furthermore, as required by City of Venice, 15% of this amount, specifically, Thirty One Thousand Seven Hundred One Dollars and Eighty Two Cents (\$31,701.83) , is the required amount of the maintenance bond.

Signed and sealed on this 29th day of October, 2015

Signed:



Melanie D. Smith
Florida Registered Engineer No. 75447



Engineer's Certified Cost of Construction
Villages of Milano
for City of Venice Maintenance Bond

Water

Description	Estimated Quantity	Unit	Unit-Price	Total
8" PVC Water Main	2,765	LF	\$17.00	\$47,005.00
6" PVC Water Main	284	LF	\$12.00	\$3,408.00
8" Gate Valve (per City of Venice Detail)	9	EA	\$1,230.00	\$11,070.00
Single Water Service	25	EA	\$433.00	\$10,825.00
Double Water Service	21	EA	\$1,060.00	\$22,260.00
Fire Hydrant Assembly	4	EA	\$4,090.00	\$16,360.00
Potable Water Fittings - Tee Valves and Reducer	1	LS	\$9,757.50	\$9,757.50
16" DR-11 Directional Drill under Existing Laurel Rd	650	lf	\$117.00	\$76,050.00
2" Permanent Blow Off Assembly w/Gate Valve	5	ea	\$1,575.00	\$7,875.00
8" Automatic Flusher (per City of Venice standards)	1		\$6,735.00	\$6,735.00

TOTAL WATER = \$211,345.50

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that NEAL COUMMUNITIES OF SOUTHWEST FLORIDA, LLC, 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:

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

3,049 LF of Water Main Serving Lots 94 through 155 within the Villages of Milano Subdivision (Referenced WD: 901-14-011 FDOH Permit)

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 and waste water collection systems 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 and waste water collection systems.

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 and wastewater collection systems, 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 2 day of November, 2015.

WITNESSES:

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC:

Sherry S. Doddema
Print Name: SHERRY S. DODDEMA

James R. Schier
James R. Schier, Vice President

Cathy Collier
Print Name: Cathy Collier

STATE OF FLORIDA)
COUNTY OF SARASOTA)

Subscribed before me this 2nd day of November, 2015, by James R. Schier, who is personally known to me or has produced _____ as identification.



Sherry S. Doddema
Notary Public

Notary stamp:

CERTIFICATION

STATE OF FLORIDA)
COUNTY OF SARASOTA)

BEFORE ME, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared James R. Schier, who being duly sworn, upon oath certifies:

That no advance or contributions in aid of construction, refundable or non-refundable, have been made by customers or potential customers of the City of Venice Utility Department, or by the owner or owners, past or present, of any lots or tracts being served by the water distribution and waste water collection systems to and within that subdivision and lands known and described as:

3,049 LF of Water Main Serving Lots 94 through 155 within the Villages of Milano Subdivision (Referenced WD: 901-14-011 FDOH Permit)

or by others (except as listed herein and here list any contributors if applicable)

for the connection of such facilities; that there are no past or existing agreements or understandings, oral or written, known to Affiant, with the customers or owners of the properties being serviced or to be served by such facilities which might adversely affect the operation of the water distribution and waste water collection systems or which might result in claims that all or some part of the cost of the water distribution and waste water collection systems has been contributed by any such person and might be regarded as direct or indirect contributions in aid of construction.

Dated at 5800 Lakewood Ranch Blvd, this 2 day of November, 2015.
Sarasota, FL 34240

WITNESSES:

Sherry S. Doddema
Print Name: SHERRY S. DODDEMA

James R. Schier
James R. Schier, Senior Vice President Finance

Print Name: _____

Subscribed before me this 2nd day of November, 2015, by James R. Schier who is personally known to me or who produced _____ as identification.



SHERRY S. DODDEMA
Commission # EE 194509
Expires May 21, 2016
Bonded Thru Troy Fain Insurance 800-385-7019

Sherry S. Doddema
Notary Public

Notary Stamp:

Commission No. _____

Commission Expiration Date: 5-21-16

November 5, 2015

Via: Hand Delivery

File: 215611819 420

City of Venice
City Engineer's Office
410 W. Venice Ave.
Venice, FL 34285

Reference: **Villages of Milano (f/k/a VICA) Final Water Main Turnover Package**

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 water distribution lines serving Villages of Milano. This includes 3,049 LF of Water Main Serving Lots 94 through 155 within the Villages of Milano Subdivision (Referenced WD: 901-14-011 FDOH Permit).

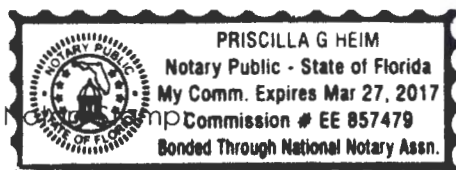
Sincerely,

Neal Communities of Southwest Florida, LLC

James R. Schier
Senior Vice President Finance
Tel: (941) 328-1040
E-Mail: jschier@nealcommunities.com

STATE OF FLORIDA)
) SS
COUNTY OF SARASOTA)

Subscribed before me this 5 day of November, 2015, by James R. Schier, who is personally known to me or has produced _____ as identification.



Notary Public

Priscilla G. Heim

Commission No.: _____

Commission Expiration: _____

October 29, 2015

Via: Hand Delivery

File: 215611819 420

City of Venice
City Engineer's Office
410 W. Venice Ave.
Venice, FL 34285

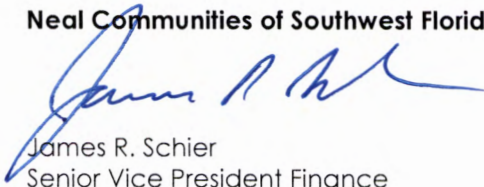
Reference: **Villages of Milano Final Water Main Turnover Package**

To Whom It May Concern:

All labor and materials furnished and installed for the underground utilities at the above referenced project are guaranteed for the period of one year from the date of final acceptance by the City of Venice City Council.

Sincerely,

Neal Communities of Southwest Florida, LLC



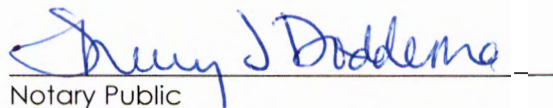
James R. Schier
Senior Vice President Finance
Tel: (941) 328-1040
E-Mail: jschier@nealcommunities.com

STATE OF FLORIDA)
) SS
COUNTY OF SARASOTA)

Subscribed before me this 2nd day of November, 2015, by James R. Schier, who is personally known to me or has produced _____ as identification.



SHERRY S. DODDEMA
Commission # EE 194509
Expires May 21, 2016
Bonded Thru Troy Fain Insurance 800-385-7019


Notary Public

Notary Stamp:

Commission No.: _____

Commission Expiration: 5-21-16