

MEMO

City of Venice Engineering Department

To: Edward Lavallee, City Manager

From: Kathleen J. Weeden, PE, City Engineer

Date: May 11, 2017

Subject: City Council Meeting 05/23/2017

Village of Milano – Phase 2, Sub-Phases 3 & 4 Utility Turnover Resolution

Background: In accordance with the approved Construction Plans, Neal Communities of Southwest Florida, LLC, has completed the water distribution system within Villages of Milano Phase 2, Sub-phases 3 & 4. The required documentation including the one year Developers Maintenance Bond and Bill of Sale have been executed. Record drawings are approved and the water lines have been cleared to be placed in service by the Florida Department of Health. Staff recommends approval of the resolution.

Requested Council Action: Motion to approve Resolution 2017-11 accepting utilities and improvements installed by Neal Communities of Southwest Florida, LLC, and accepting a One Year Developers Maintenance Bond and Bill of Sale.

City Attorney Review: Reviewed and approved.

DEVELOPERS MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that <u>Neal Communities of Southwest Florida, LLC</u>, 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 Twenty Thousand Nine Hundred Thirty Six Dollars and Twenty Five Cents (\$20,936.25), 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. <u>CS9826749</u> in the amount of \$20,936.25 issued by <u>Great American Insurance Company</u>, which expires on 5/15/2018 , 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 Villages of Milano Phase 2 Sub-phases 3 & 4.

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 29^{th} day of March, 2017.

ATTEST:

Secretary

Secretary

DEVELOPER: Neal Communities of Southwest Florida, LLC

James R. Schier, Vice President

SURETY: Great American Insurance Company

Mary Martha Langley, Attorney-in-Fact and

Florida Licensed Resident Agent

MAINTENANCE BOND

Bond No.: CS9826749 Principal Amount: \$20,936.25

KNOW ALL MEN BY THESE PRESENTS, that we Neal Communities of Southwest Florida, LLC, 5800 Lakewood Ranch Blvd., Sarasota, FL 34240, as Principal, and Great American Insurance Company, 301 E Fourth Street, Cincinnati, OH 45202 a Ohio Corporation, as Surety, are held and firmly bound unto City of Venice, 401 West Venice Ave., Venice, FL 34285, as Obligee, in the penal sum of Twenty Thousand Nine Hundred Thirty-six and 25/100 (Dollars) (\$20,936.25), lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, <u>Neal Communities of Southwest Florida, LLC</u> has agreed to construct in Villages of Milano, in Venice, FL the following improvements:

Site Improvements per the Engineer's Estimate for Maintenance Bond at 15% of the \$139,575.00 cost of such improvements, for Villages of Milano Phase 2 Sub-phases 3 & 4, consisting of water.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described, and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void, otherwise to remain in full force and effect, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed, will complete the improvements or pay to the Obligee such amount up to the Principal amount of this bond which will allow the Obligee to complete the improvements.

Upon approval by the Obligee, this instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed and dated, this 29th day of March, 2017.

Neal Communities of Southwest Florida, LLC

Principal

By: James R. Schier, Vice President

Great American Insurance Company

Surety

By: Mary Martha Langley, Attorney-in-Fact and Florida Licensed Resident Agent

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 FOUR

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

FREDERIC M. ARCHERD, JR. TANYA L. RUSSO RICHARD P. RUSSO, JR. MARY MARTHA LANGLEY

ALL OF TAMPA, FLORIDA Limit of Power

ALL

\$100,000,000

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 day of OCTOBER 2015

Attest

GREAT AMERICAN INSURANCE COMPANY

Assistant Secretary

Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DAVID C. KITCHIN (877-377-2405)

On this 14TH day of OCTOBER , 2015 , 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.



Susan A. Kohorst Notary Public, State of Ohio My Commission Expires 05-18-2020 Susan a Lohoust

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 29th

day of March

Assistant Secretary



BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that NEAL COMMUNITIES 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:

Villages of Milano: Phase 2, Sub-phases 3 & 4 consisting of 1,269 LF of 8" PVC and 1,441 LF of 12" PVC. Specifically, this turnover includes from the tie-in connection on sheet 29 (as-built point 81,230) and tie-in connection on sheet 34 (as-built point 80,399) to the 8" gate valve on sheet 30 (as-built point 80,327). The main to be turned over will service lots 315 through 328, 343 through 360, and 361 through 380.

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 // day of WITNESSES: CORPORATE SEAL STATE OF FLORIDA COUNTY OF SARASOTA) Subscribed before me this James R. Schier who is personally known to me or has puttle as identification. Notary stamp:

v:\2156\active\215611819\admin\correspondence\d

CERTIFICATION

STATE OF FLORIDA COUNTY OF SARASOTA)

Dated at Amazonala FC

BEFORE ME, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared <u>James R. Schier</u>, 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:

Villages of Milano: Phase 2, Sub-phases 3 & 4 consisting of 1,269 LF of 8" PVC and 1,441 LF of 12" PVC. Specifically, this turnover includes from the tie-in connection on sheet 29 (as-built point 81,230) and tie-in connection on sheet 34 (as-built point 80,399) to the 8" gate valve on sheet 30 (as-built point 80,327). The main to be turned over will service lots 315 through 328, 343 through 360, and 361 through 380.

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 Janasola	, FC , this	14 day of March, 2017.
WITNESSES: Shung J Dodding Echo/Sandle	SHERRY S. DODDEMA Echo Sanders	James R. Schier
Subscribed before me this who produced	s 14th day of March	, 2017, by <u>James R. Schier</u> who is personally known to me or dentification.
	COMMISSION ETO STATE	Notary Public Doddeng
Notary Stamp:	#FF 970031	
Commission No.	All STATE OF FLITTING	Commission Expiration Date:

NEALCOMMUNITIES.COM

Building. Home. Life.

March 19 2017	
File: 215611819 640	Via: Hand Delivery
City of Venice City Engineer's Office 210 West Venice Avenue Venice, Florida 34285	
Reference: Villages of Milano Phase 2 Sub-pha	ses 3 & 4
To Whom It May Concern:	
This letter is to certify that the final costs of the in Villages of Milano Phase 2 Sub-phases 3 & 4 that a	stallation of the water distribution lines serving re to be turned over to the City of Venice are:
Water Distribution Cost \$139,8 Reclaim Water Distribution Cost \$ Sewage Collection Cost \$	575.00 -0- -0-
Attached is a cost breakdown.	
Sincerely, Neal Communities of Southwest Florida, LLC James R. Schier Senior Vice President of Finance Tel: 941-328-1040 E-Mail: jschier@nealcommunities.com	
STATE OF FLORIDA)) SS	
COUNTY OF SARASOTA)	
to me or has produced	7, by James R. Schier, who is personally known as identification. Notary Public
Notary Stamp: #FF 970031 Commission No.:	
Notary Stamp: #FF 970031 Commission No.: #FF 970031	Commission Expiration:



Engineer's Certified Cost of Construction Villages of Milano Phase 2 Subphase 3 and 4 City of Venice Maintenance Bond

Site Development Cost Breakdown Summary

Water

\$139,575.00

Total Cost

Opinion

\$139,575.00

Total x 15%

\$20,936.25

Certificate of Cost Opinion

I, Melanie D. Smith, hereby submit that my opinion of cost for the improvements itemized herein is One Hundred Thirty Nine Thousand Five Hundred Seventy Five Dollars and No Cents (\$139,575.00).

Furthermore, as required by City of Venice, 15% of this amount, specifically, Twenty Thousand Nine Hundred Thirty Six Dollars and Twenty Five Cents (\$20,936.25), is the required amount of the maintenance bond.

Signed and sealed on this 23 to day of February, 2017

Signed:

Melanie D. Smi

Florida Registered Engineer No. 75447



Engineer's Certified Cost of Construction Villages of Milano Phase 2 City of Venice Maintenance Bond

Water	Estimated			
Description	Quantity	Unit	Unit-Price	Total
Subphase 3 and 4 12" PVC Water Main	LF	1,441	\$27.00	\$38,907.00
8" PVC Water Main	LF	1,269	\$17.00	\$21,573.00
Single Water Service	EA .	5	\$720.00	\$3,600.00
Double Water Service	EA .	23	\$1,500.00	\$34,500.00
Potable Water Main Fittings	LS	1	\$3,700.00	\$3,700.00
Fire Hydrant Assembly	EA .	3	\$4,400.00	\$13,200.00
12" Gate Valve	EA .	3	\$2,965.00	\$8,895.00
8" Gate Valve	EA .	8	\$1,900.00	\$15,200.00
			TOTAL WATER	\$139,575.00

NEALCOMMUNITIES.COM

Building. Home. Life.

March 2017	
File: 215611819 640	Via: Hand Delivery
City of Venice City Engineer's Office 210 West Venice Avenue Venice, Florida 34285	
Reference: Villages of Milano Phase 2 Sub-phase	es 3 & 4
To Whom It May Concern:	
This letter is to certify that there are no liens in existinstallation of the water distribution lines and sewo Phase 2 Sub-phases 3 & 4.	stence against any of the work involving the age collection lines serving Villages of Milano
Sincerely, Neal Communities of Southwest Florida, LLC	
James R. Schier Senior Vice President of Finance Tel: 941-328-1040 E-Mail: jschier@nealcommunities.com	
STATE OF FLORIDA)	
) SS COUNTY OF SARASOTA)	
nat	7, by James R. Schier, w <u>ho is personally known</u> as identification.
Subscribed before me this day of March, 2017 to me or has produced	Notary Public
Notary Stamp: Commission No.: **FF 970031 **FF 970031 **FF 970031 **Commission No.:	
Commission No.:	Commission Expiration:

NEALCOMMUNITIES.COM

Building. Home. Life.

March, 2017	Via: Hand Delivery
File: 215611819 640	
City of Venice City Engineer's Office 210 West Venice Avenue Venice, Florida 34285	
Reference: Villages of Milano Phase 2 Sub-pha	ses 3 & 4
To Whom It May Concern:	
All labor and materials furnished and installed referenced project are guaranteed for the pacceptance by the City of Venice City Council.	
Sincerely,	
Neal Communities of Southwest Florida, LLC James R. Schier Senior Vice President of Finance Tel: 941-328-1040 E-Mail: jschier@nealcommunities.com	
STATE OF FLORIDA)) SS	
COUNTY OF SARASOTA	
	17, by James R. Schier, w <u>ho is personally know</u> n as identification.
Notary Stamp: #FF 970031 Commission No.: #FF 970031 #FF 970031	Notary Public Doddeng
Notary Stamp: #FF 970031	
Notary Stamp: #FF 970031 Commission No.: #FF 970031	Commission Expiration:

LEGEND

ABBREVIATIONS

EL or ELEV	ELEVATION
INV	NVET
UF.	LINEAR FEET
NGVD.	NATIONAL GEODETIC VERTICAL DATUM
NIC	NOT IN CONTRACT
50	SOIL BORING
STA.	STATION
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
C	CONTORUNE
E	FLOW LINE
CMP	CORRUGATED METAL PIPE
D.I.P.	OUCTLE IRON PIPE
PVC	POLYVNYL DILORDE PIPE
HOPE	HIGH DENSITY POLYETHYLENE
RCP.	REINFORCED CONCRETE PIPE
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
MH	MANHOLE
57R	STORM SEWER STRUCTURE
V VV STOVY	RY FEET LIEFT IN PERT BOART

	SYMBOLS
	IN-LINE PLUG VALVE W/ BOX
	IN-LINE GATE VALVE W/ BOX
#//*	FIRE HYDRANT, COMPLETE
	, WATER METER
_	JRRIGATION METER
	SANTARY SEWER MANHOLE
-	SANITARY SEWER LATERAL & CLEAN-DUT
	STORM SEWER & STRUCTURE
	ENOWALL
OND	PROPOSED ELEVATION
4000	PROPOSED PAVEMENT ELEVATION
0	EXISTING ELEVATION
5	EXISTING PAVEMENT ELEVATION
-	DIRECTION OF DRAINAGE FLOW
T	PROPOSED CONTROL STRUCTURE
333	PROPOSED LAKE
777	
	PROPOSED LITTORAL SHELF
-	The second secon

NOTE: OPEN SYMBOLS AND DASHED LINES DENOTE EXISTING IMPROVEMENTS

SITE DEVELOPMENT DATA:

VILLAGES OF MILANO PHASE 2

ENGINEER:

SURVEYOR

DEVELOPER/OWNER:

FLOOD ZONE:

EXISTING LAND USE: PASTURE - AGRICULTURE - VACANT PROPOSED LAND USE: SINGLE FAMILY RESIDENTUAL SEWER PROMOTE: SARASOTA COUNTY UTILITIES WATER DROVIDER-CITY OF VENICE UTILITIES

ELECTRIC PROVIDER: FLORIDA POWER & LIGHT GARBAGE: 118.15 AC PROJECT AREA:

PROPOSED IMPERMIOUS: 46.28 AC

DATUM: NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.

FDFP AND FDON WATER AND WASTEWATER PERMITS ARE REQUIRED.

THE HOA DOCUMENTS SHALL BE CONSISTENT WITH THE HOA MAINTENANCE RESPONSIBILITIES IDENTIFIED.

EXCAVATION OF EXISTING LAKE #JAC-5P IN THE JACARANDA R-O-W SHALL NOT COMMENCE UNTIL THE JOINT USE AGREEMENT IS APPROVED BY SARASOTA COUNTY.

THE DATUM OF THE ELEVATIONS SHOWN ARE NOVD 1929

CITY OF VENICE NOTES;

- 1. ALL WORK CONDUCTED IN THE CITY OF VENICE RIGHT-OF-WAY (NOW) WILL REQUIRE THE ISSUANCE OF A ROW PERMIT.
- ALL WORK CONDUCTED IN SARASOTA COUNTY AND/OR FDOT ROW SHALL REDURE A COPY OF THE ISSUED PERMITS. 3. THEE REMOVAL PERMIT MUST BE OBTAINED FROM SARASOTA COUNTY NATURAL RESOURCES DEPARTMENT.
- POST DEVELOPMENT RUNOFF DOES NOT EXCEED PRE-DEVELOPMENT RUNO VOLUME OR RATE FOR A 24-HOUR, 25-YEAR STORM EVENT.

- STRUCTION SITE WUST BE POSTED WITH 24-HOUR CONTACT INFORMATIO
- 8. CONTACT PUBLIC WORKS SOLID WASTE DIVISION (941-456-2422) FOR APPROVAL OF DUMPSTER LOCATION AND LAYOUT FROM TO CONSTRUCTION

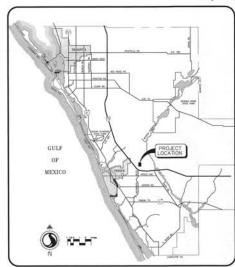
VILLAGES OF MILANO PHASE 2 SUBPHASE 3,4 UTILITY RECORD DRAWING - WATERMAIN

PART OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, CITY OF VENICE SARASOTA COUNTY, FLORIDA

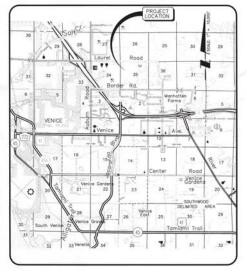
A DEVELOPMENT BY

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC

5800 LAKEWOOD RANCH BLVD SARASOTA, FLORIDA 34240 (941) 328-1111



LOCATION MAP



SITE MAP

POINT BREAK SURVEYING, LLC

CERTIFICATE OF AUTHORIZATION LB 0007384



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	1/26/17 RECORD DRAWING	BBS
	1/19/16 REVISED PER RFI #3 1/18/16 REVISED PER CITY OF VENICE COMMENTS DATED 8/17/16	RTD/894
	S/16/16 REVISED PER CITY OF VENICE COMMENTS DATED 8/17/16 8/11/16 ADDED FIRE HYDRANT ON CASSAND DRIVE PER CITY REQUEST	RTD/894
A	7/29/16 REVISED PER CITY OF VEHICE COMMENTS DATED 7/28/16	RTD/894
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A a	1/04/16 REVISED PER CITY PRELIMINARY PLAT COMMENTS	RTD/894
NO. 1	DATE DESCRIPTION	BY

STATUS: REVISIONS		
PROJECT PLANNER JM COLLINS	PROJECT DEVELOPER NEAL COMMUNITIES	PROJECT CONSULTANT BTANTEC
PROJECT DESIGNER PUBBELL DICKENS	PROJECT MANAGER MILLARD J. YODER, P.E. FLORIDA LICENSE NO. 33765	PROJECT ENGINEER MELANE DELEMANTY SWITH, PE FLORIDA LICENSE NO. 75447

PROJECT NUMBER

215611819

FEBRUARY 2016

INDEX NUMBER

