

**RESOLUTION NO. 2021-12**

**A RESOLUTION OF THE CITY OF VENICE, FLORIDA, ACCEPTING UTILITIES AND IMPROVEMENTS INSTALLED BY TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT, AND ACCEPTING A ONE YEAR DEVELOPERS MAINTENANCE BOND AND BILL OF SALE, AND PROVIDING AN EFFECTIVE DATE (TOSCANA ISLES - UNIT 2, PHASE 7)**

**WHEREAS**, Toscana Isles Community Development District, 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: Toscana Isles – Unit 2, Phase 7; generally located east of I-75 and north of Laurel Road; 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 immediately upon its approval and adoption as required by law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AT A MEETING HELD ON  
THE 13<sup>TH</sup> DAY OF APRIL 2021.**

\_\_\_\_\_  
Ron Feinsod, 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 13<sup>th</sup> day of April 2021, a quorum being present.

WITNESS my hand and official seal of said City this 13<sup>th</sup> day of April 2021.

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

(S E A L)

Approved as to form:

\_\_\_\_\_  
Kelly Fernandez, City Attorney

## BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that **TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**, 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 system constructed and installed by the party of the first part in the subdivision and lands described as follows:

**TOSCANA ISLES – UNIT II, Phase 7**

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.

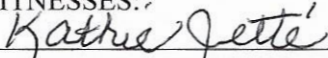
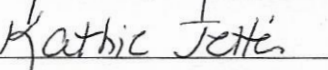
AND THE PARTY OF THE FIRST PART does for itself and its successors covenant to and with the party of the second part, its successors and assigns, that it is the lawful owner of the above described goods and chattels and that the said property is free and clear of all liens, encumbrances, and charges 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.

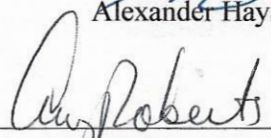
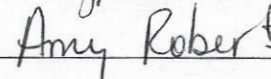
IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed and its name by its proper officers and its corporate seal to be affixed, this 4<sup>th</sup> day of January, 2021.

**TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**

  
Alexander Hays, as Chair, Board of Supervisors

WITNESSES:

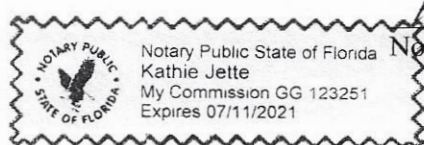
  


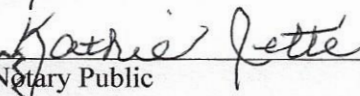
  


STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to and subscribed before me, by means of ☒ physical presence or ☐ online notarization, this 4 day of January, 2021, by Alexander Hays.

Notary stamp:



  
Notary Public

## DEVELOPERS MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT, a Florida Community Development District, 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 Eight Thousand, Two Hundred and Ninety Seven and 50/100 (\$28,297.50) 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 an Irrevocable Standby Letter of Credit No. LICX1202988 in the amount of \$28,297.50 issued by Lexon Insurance Company, a Texas Corporation, which expires on March 25, 2022, the original of which is attached hereto.

WHEREAS, the Developer has developed a subdivision in Venice, Florida, known and identified as Toscana Isles Unit 2, Phase 7, and in connection therewith has installed, with the approval of the City Engineer, certain improvements identified on EXHIBIT A attached hereto.

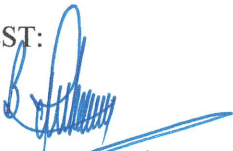
NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS, that if the Developer shall promptly maintain, repair or replace said improvements as required by the City should said improvements, for whatever causes, require repair or replacement for a period of one year from the date of formal acceptance of said 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 4th day of March, 2021.


ATTEST:



Brian F. Watson  
as Vice-Chair of the Board of Supervisors

DEVELOPER: Toscana Isles Community Development District  
a Florida community development district

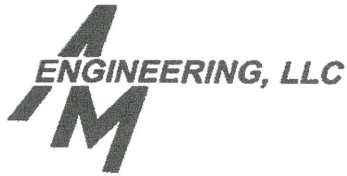
By:



Alexander H. Hays,  
as Chair of the Board of Supervisors



# EXHIBIT A



Civil Engineering | Land Surveying

8340 Consumer Court Sarasota, FL 34240  
Phone: (941) 377-9178 | Fax: (941) 378-3786  
www.amengll.com

## Toscana Isles Phase 7 Utility Maintenance Bond Estimate

I D. Shawn Leins, P.E., a Florida Registered Engineer, License No 41078, do hereby estimate the cost of improvements completed as itemized below is \$188,650 and that 15% of this amount is \$28,297.50.

### Watermain - Phase 7

Description	Qty Remaining	UOM	Unit Price	Total
8" PVC Watermain	3,720.00	LF	\$ 22.50	\$ 83,700.00
8" Gate Valve	4.00	EA	\$ 2,050.00	\$ 8,200.00
Fire Hydrant	4.00	EA	\$ 5,900.00	\$ 23,600.00
8" x 6" MJ Swivel Tee	4.00	EA	\$ 625.00	\$ 2,500.00
8" MJ 22.5 Bends	7.00	EA	\$ 550.00	\$ 3,850.00
8" MJ 45 Bends	24.00	EA	\$ 550.00	\$ 13,200.00
12" x 8" MJ Reducer	1.00	EA	\$ 625.00	\$ 625.00
Single Water Service (Short)	17.00	EA	\$ 850.00	\$ 14,450.00
Double Water Service (Short)	23.00	EA	\$ 1,675.00	\$ 38,525.00
<b>Subtotal</b>				<b>\$ 188,650.00</b>

<b>GRAND TOTAL</b>	<b>\$ 188,650.00</b>
<b>MAINTENANCE BOND AMOUNT (15%)</b>	<b>\$ 28,297.50</b>



## UTILITY MAINTENANCE BOND

Bond No.: LICX1202988

Principal Amount: \$28,297.50

**KNOW ALL MEN BY THESE PRESENTS**, that we, TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT, 2300 Glades Road, Suite 410W, Boca Raton, Florida, 33431, a Florida community development district ("Principal" or "Developer"), and Lexon Insurance Company, 10002 Shelbyville Road, Suite 100, Louisville, KY 40223, a Texas Corporation, as Surety, are held and firmly bound unto The City of Venice, 401 West Venice Ave., Venice, FL 34285, a municipal corporation, (the "City"), as Obligee, in the penal sum of Twenty Eight Thousand, Two Hundred and Ninety Seven and 50/100 (\$28,297.50) Dollars, 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**, TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT has constructed in Toscana Isles Unit 2, Phase 7, in Venice, FL the following improvements:

Water Distribution System (Watermain – Phase 7), per the Engineer's Estimate of final costs of installation of such systems identified on EXHIBIT A attached hereto at a total cost of \$188,650.00.


In connection with the installation of such systems, the City requires a Utility Maintenance Bond at 15% of the total cost of improvements of \$188,650.00, for Toscana Isles - Unit 2, Phase 7, for a period of one year after utility acceptance, to expire March 25, 2022.

**NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH**, that if the said Principal 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 Principal shall pay any and all costs or expenses incidental to the performance of all work required to be performed hereunder, 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 maintained, repaired or replaced, will complete the maintenance, repair or replacement or pay to the Obligee such amount up to the Principal amount of this bond which will allow the Obligee to complete the maintenance, repair or replacement.

Signed, sealed and dated, this 4<sup>th</sup> day of March, 2021.

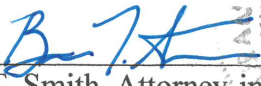
Toscana Isles Community Development District  
a Florida community development district  
Principal

By:

  
Alexander H. Hays  
Chair of the Board of Supervisors

Lexon Insurance Company  
A Texas Corporation  
Surety

By:

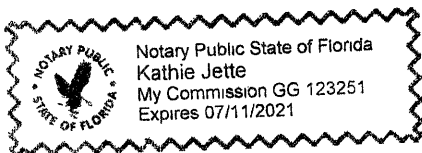
  
Brook T. Smith, Attorney-in-Fact  
Florida License #A245912

## DISTRICT ACKNOWLEDGMENT FORM

STATE OF FLORIDA  
COUNTY OF SARASOTA

On this 4<sup>th</sup> day of March, 2021, before me personally appeared Alexander H. Hays, to me known, who, being by me first duly sworn, did depose and say that he is the Chair of the Board of Supervisors of **TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**, a Florida community development district, being the District described in the Utility Maintenance Bond #LICX1202988, and that he signed his name thereto by order and authority of the Board of Supervisors pursuant to the adopted District's Resolution 2021-01.

My commission expires: 7-11-2021



Kathie Jette  
Notary Public  
State of Florida

Kathleen Jetté  
Printed Name of Notary Public

GG123251  
Notary Public Commission Number





## POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS, that **Endurance Assurance Corporation**, a Delaware corporation, **Endurance American Insurance Company**, a Delaware corporation, **Lexon Insurance Company**, a Texas corporation, and/or **Bond Safeguard Insurance Company**, a South Dakota corporation, each, a "Company" and collectively, "**Sompo International**," do hereby constitute and appoint: **Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Bowers, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter, Ryan Britt** as true and lawful Attorney(s)-In-Fact to make, execute, seal, and deliver for, and on its behalf as surety or co-surety; bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate the Company for any portion of the penal sum thereof in excess of the sum of **One Hundred Million Dollars (\$100,000,000.00)**.

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Company as fully and to the same extent as if signed by the President of the Company under its corporate seal attested by its Corporate Secretary.

This appointment is made under and by authority of certain resolutions adopted by the sole shareholder of each Company by unanimous written consent effective the 15<sup>th</sup> day of June, 2019, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the sole shareholder of each Company by unanimous written consent effective the 15<sup>th</sup> day of June, 2019 and said resolution has not since been revoked, amended or repealed:

RESOLVED, that the signature of an individual named above and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, each Company has caused this instrument to be signed by the following officers, and its corporate seal to be affixed this 15<sup>th</sup> day of June, 2019.

**Endurance Assurance Corporation**

By: *Richard M Appel*  
Richard Appel: SVP & Senior Counsel



**Endurance American Insurance Company**

By: *Richard M Appel*  
Richard Appel: SVP & Senior Counsel



**Lexon Insurance Company**

By: *Richard M Appel*  
Richard Appel: SVP & Senior Counsel



**Bond Safeguard Insurance Company**

By: *Richard M Appel*  
Richard Appel: SVP & Senior Counsel

**ACKNOWLEDGEMENT**

On this 15<sup>th</sup> day of June, 2019, before me, personally came the above signatories known to me, who being duly sworn, did depose and say that he/she is an officer of each of the Companies; and that he executed said instrument on behalf of each Company by authority of his office under the by-laws of each Company.

By: *Amy Taylor*

Amy Taylor, Notary Public - My Commission Expires 5/9/23

**CERTIFICATE**

I, the undersigned Officer of each Company, DO HEREBY CERTIFY that:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of each Company and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with the original power of attorney, and that the same is a true and correct copy of the original power of attorney and of the whole thereof;
2. The following are resolutions which were adopted by the sole shareholder of each Company by unanimous written consent effective June 15, 2019 and said resolutions have not since been revoked, amended or modified:

"RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Company any and all bonds, undertakings or obligations in surety or co-surety with others: **RICHARD M. APPEL, BRIAN J. BEGGS, CHRISTOPHER DONELAN, SHARON L. SIMS, CHRISTOPHER L. SPARRO, MARIANNE L. WILBERT**

; and be it further

RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Company."

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 4<sup>th</sup> day of March, 20 21.

By: *Daniel S. Lurie*

Daniel S. Lurie, Secretary

**NOTICE: U. S. TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL (OFAC)**

No coverage is provided by this Notice nor can it be construed to replace any provisions of any surety bond or other surety coverage provided. This Notice provides information concerning possible impact on your surety coverage due to directives issued by OFAC. Please read this Notice carefully.

The Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy, based on Presidential declarations of "national emergency". OFAC has identified and listed numerous foreign agents, front organizations, terrorists, terrorist organizations, and narcotics traffickers as "Specially Designated Nationals and Blocked Persons". This list can be located on the United States Treasury's website - <https://www.treasury.gov/resource-center/sanctions/SDN-List>.

In accordance with OFAC regulations, if it is determined that you or any other person or entity claiming the benefits of any coverage has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC, any coverage will be considered a blocked or frozen contract and all provisions of any coverage provided are immediately subject to OFAC. When a surety bond or other form of surety coverage is considered to be such a blocked or frozen contract, no payments nor premium refunds may be made without authorization from OFAC. Other limitations on the premiums and payments may also apply.