



# MEMO

## City of Venice

### Engineering Department

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To: Mayor and City Council

From: Kathleen Weeden, PE, City Engineer

Date: 08/19/2013

Subject: Venetian Golf & River Club (VGRC) Phase 6  
Acceptance of Water Distribution System

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**Background:** VGRC has completed construction of the water distribution and wastewater collection system to serve Phase 6. Based on the Curry Creek Assessment District, the City of Venice provides water distribution and Sarasota County provides wastewater collection for this development. The water distribution system has been approved to be placed into service by the Florida Department of Health and the developer has requested Certificate of Occupancy (CO) for completed properties. Prior to issuance of CO, the turnover of the utilities must be approved by City Council. Staff recommends acceptance of the water distribution system and the one year maintenance bond as attached.

**Requested Action:** Motion to accept the turnover of the water distribution system at VGRC Phase 6 and the one year maintenance bond.

**City Attorney Review:** Approved.

Cc: Edward Lavallee, City Manager  
Len Bramble, Utilities Director  
Cathy Dubre, Projects Coordinator

**BILL OF SALE  
VENETIAN GOLF & RIVER CLUB, PHASE 6**

KNOW ALL MEN BY THESE PRESENTS, that **WCI COMMUNITIES, LLC**, a Delaware limited liability company, 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, 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:

**Venetian Golf & River Club, Phase 6, the plat thereof, recorded at Plat Book 48, pages 12, 12-A, and 12-B, the Public Records of Sarasota County, Florida.**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Developer: WCI Communities, LLC

(Name)

Witness:

Caroline Barber

Caroline Barber

(Please Print/Type Name)

By:

[Signature]

(Signature)

Roger Aman, Land Development Manager

(Please Print/Type Name and Title)

Witness:

[Signature]

STEVE M. CHERACK

(Please Print/Type Name)

STATE OF FLORIDA )  
COUNTY OF Manatee )

Subscribed before me this 7 day of August, 2013, by Roger Aman, as Land Development Manager of WCI Communities, LLC, on behalf of the company, who is personally known to me or who produced \_\_\_\_\_ as identification.

Notary Stamp:



Shawn Marie Fancil

Notary Public

August 9, 2013

Ms. Kathleen Weeden, P.E.  
City Engineer  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285

RE: Venetian Golf & River Club, Phase 6

Dear Ms. Weeden,

This letter is to certify that there are no liens in existence against any of the work involving the installation of the potable water distribution system serving Venetian Golf & River Club, Phase 6.

Respectfully,

  
Roger Aman, Land Development Manager  
WCI Communities, LLC

STATE OF FLORIDA     )  
COUNTY OF Manatee     )

Subscribed before me this 7 day of August, 2013, by Roger Aman, as Land Development Manager of WCI Communities, LLC, on behalf of the company, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
Notary Public

Notary stamp:



K:\SAR\_Civil\048117104\_VGRC Phase 6\CONSTRUCTION\Bonds\City of Venice\No Lien PH 6 - WCI to City.doc

**CERTIFICATION**  
**VENETIAN GOLF & RIVER CLUB, PHASE 6**

STATE OF FLORIDA                   )  
COUNTY OF \_\_\_\_\_)

BEFORE ME, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared **Roger Aman**, who being duly sworn, upon oath certifies to the best of his knowledge:

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 system and within that subdivision and lands known and described as:

**Venetian Golf & River Club, Phase 6, the plat thereof, recorded at Plat Book 48, pages 12, 12-A, and 12-B, the Public Records of Sarasota County, Florida.**

or by others (except as listed herein and here list any contributors if applicable) **Not 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 system or which might result in claims that all or some part of the cost of the water distribution system has been contributed by any such person and might be regarded as direct or indirect contributions in aid of construction.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**Developer: WCI Communities, LLC**

Witness: Caroline Barber  
Caroline Barber  
(Please Print/Type Name)

By: [Signature]  
(Name)  
(Signature)  
**Roger Aman, Land Development Manager**  
(Please Print/Type Name and Title)

Witness: [Signature]  
(Please Print/Type Name)  
**STEVE M. CHESANEK**

STATE OF FLORIDA                   )  
COUNTY OF Manatee)

Subscribed before me this 7 day of August, 2013, by Roger Aman, as Land Development Manager of WCI Communities, LLC, on behalf of the company, who is personally known to me or who produced \_\_\_\_\_ as identification.

Notary Stamp:



Shawn Marie Fancil  
Notary Public

August 9, 2013

City of Venice  
City Engineer's Office  
401 West Venice Avenue  
Venice, FL 34285

Re: Venetian Golf & River Club, Phase 6

To Whom It May Concern:

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

Sincerely,



Roger Aman, Land Development Manager  
WCI Communities, LLC

STATE OF FLORIDA     )  
COUNTY OF Manatee     )

Subscribed before me this 7 day of August, 2013, by Roger Aman, as Land Development Manager of WCI Communities, LLC, on behalf of the company, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
Notary Public

Notary stamp:



After recording return to:  
City Clerk, City of Venice  
401 W. Venice Ave., Venice, FL 34285

GRANT OF EASEMENT  
VENETIAN GOLF AND RIVER CLUB, PHASE 6

THIS GRANT OF EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **WCI COMMUNITIES, LLC**, a Delaware limited liability company, whose address is 24301 Walden Center Drive, Bonita Springs, Florida 34134, party of the first part, and **CITY OF VENICE**, a municipal corporation, whose address is 401 W. Venice Avenue, Venice, Florida 34285, in the County of Sarasota, State of Florida, party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to him in hand paid by said party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold, and by these presents does hereby grant, bargain, and sell unto the party of the second part, its successors and assigns forever, a non-exclusive easement for the installation, maintenance and servicing of potable water utility line or lines, over, across, under and along the following described parcel of land in Sarasota County, Florida, to wit:

**Tract "A", Venetian Golf & River Club, Phase 6, the plat thereof, recorded at Plat Book 48, Page 12, 12-A, and 12-B, the Sarasota County Public Records, Florida.**

SUBJECT TO easements, restrictions, covenants, conditions, limitations and reservations of record, if any.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal, the day and year first above written.

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

Developer: WCI Communities, LLC

(Name)

Witness:

Caroline Barber

Caroline Barber

(Please Print/Type Name)

By:

[Signature]

(Signature)

Roger Aman, Land Development Manager

(Please Print/Type Name and Title)

Witness:

[Signature]

(Please Print/Type Name)

STEVE H. CHESANEK

STATE OF FLORIDA )  
COUNTY OF Manatee )

Subscribed before me this 7 day of August, 2013, by Roger Aman, as Land Development Manager of WCI Communities, LLC, on behalf of the company, who is personally known to me or who produced \_\_\_\_\_ as identification.

Notary Stamp:



Shawn Marie Fancil

Notary Public



August 9, 2013

■  
Suite 200  
2601 Cattlemen Road  
Sarasota, Florida  
34232

TEL 941 379 7600

City of Venice  
City Engineer's Office  
401 West Venice Avenue  
Venice, FL 34285

Re: Venetian Golf and River Club, Phase 6  
048117.104

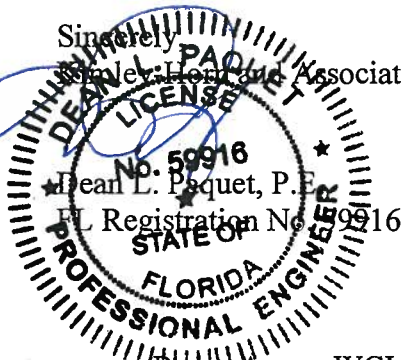
To Whom It May Concern:

This letter is to certify that the final costs of the installation of the water distribution system serving Venetian Golf and River Club, Phase 6 that are to be turned over to the City of Venice are:

Water Distribution Cost	\$ <u>47,196.20</u>
<b>TOTAL</b>	<b>\$ 47,196.20</b>
15% Total for Maintenance Bond	\$ 7,079.43

Attached is EXHIBIT A, a cost breakdown.

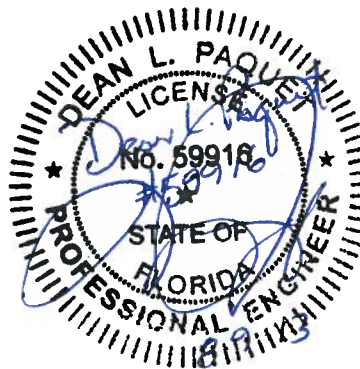
Sincerely,  
Kimley-Horn and Associates, Inc. CA-00000696

  
Dean L. Paquet, P.E.  
FL Registration No. 59916

cc: Roger Aman, WCI Communities, LLC

**EXHIBIT A - FINAL COST OF CONSTRUCTION  
FOR  
CITY OF VENICE MAINTENANCE BOND  
FOR  
VENETIAN GOLF AND RIVER CLUB, PHASE 6 - AVELLINI WAY**

ITEM	DESCRIPTION	ESTIMATED QUANTITY		UNIT PRICE	AMOUNT
<b>II.c Water Distribution (City of Venice)</b>					
1	8" PVC DR-18, C900, CL 150 Water Main (inc. R.J.)	1,021	LF	16.15	16,489.15
3	8" M.J. Fittings	11	EA	271.90	2,990.90
4	Fire Hydrant Assembly, Type "B"	2	EA	3,485.00	6,970.00
5	Remove Plug along Laurel Road - tie to exist	1	EA	1,000.00	1,000.00
6	Remove BO along Pesaro Drive - tie to exist	1	EA	1,000.00	1,000.00
7	2" Double Water Service, Long (sleeved)	3	EA	1,500.00	4,500.00
8	2" Double Water Service, Short	4	EA	1,190.00	4,760.00
9	1" Water Service, Short	2	EA	580.00	1,160.00
10	1" Water Service, Long (sleeved)	7	EA	730.00	5,110.00
11	Testing, Water Distribution	1,021	LF	3.15	3,216.15
<b>WATER DISTRIBUTION SUBTOTAL</b>					<b>\$ 47,196.20</b>
<b>SUMMARY</b>					
<b>VENETIAN GOLF AND RIVER CLUB, PHASE 7 FOR PERFORMANCE BOND</b>					
<b>IIc. UNDERGROUND (CITY OF VENICE WATER SYSTEM)</b>					<b>47,196.20</b>
<b>TOTAL VENICE GOLF AND RIVER CLUB, PHASE 6</b>					<b>\$ 47,196.20</b>
<b>15% OF TOTAL FOR MAINTENANCE BOND</b>					<b>\$ 7,079.43</b>





**MAINTENANCE BOND**

Bond No. 1085160

KNOW ALL MEN BY THESE PRESENTS:

That WCI Communities, LLC, 24301 Walden Center Dr., Bonita Springs, FL 34134, as Principal, hereinafter called Contractor, and Lexon Insurance Company, 12890 Lebanon Rd., Mt. Juliet, TN 37122, as Surety, hereinafter called Surety, are held and firmly bound unto City of Venice, 401 West Venice Ave., Venice, FL 34285, as Obligee, hereinafter called Owner, in the penal sum of Seven Thousand Seventy Nine and 43/100 Dollars (\$7,079.43), for payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has constructed various public improvements:

Turnover of fire hydrants in Venetian Golf & River Club Community

in accordance with the General Conditions, the Drawings and Specifications, which Plans are by reference incorporated herein, and made a part hereof, and is referred to as the Plans.

NOW, THEREFORE, the condition of this obligation is such that, if Contractor shall remedy any defects due to faulty materials or workmanship, and pay for any damage to other work resulting therefrom, which shall appear within a period of One (1) Year from the date of substantial completion of the work provided for in the Plans, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that Owner shall give Contractor and Surety notice of observed defects with reasonable promptness.

SIGNED and sealed this 13<sup>th</sup> day of August, 2013.

In the presence of:

Chris Smyth

WCI Communities, LLC

Principal

(Seal)

By: Shirley Luth  
Title

Lexon Insurance Company

Surety

By: Dawn L. Morgan  
Dawn L. Morgan, Attorney-in-Fact  
Florida License # A011322

## POWER OF ATTORNEY

LX - 074342

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: James I. Moore, Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy Faust, Kelly A. Gardner,

Elaine Marcus, Jennifer J. McComb, Melissa Schmidt, Donna Whalen, Tariese M. Pisciotto \*\*\*\*\*

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows: 8,000,000.00 Eight million dollars \*\*\*\*\*

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$  
dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.

**LEXON INSURANCE COMPANY**

BY

David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

**"OFFICIAL SEAL"**  
**MAUREEN K. AYE**  
Notary Public, State of Illinois  
My Commission Expires 09/21/13

Maureen K. Aye  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 13th Day of August, 20 13.



Philip G. Lauer  
Assistant Secretary


**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**

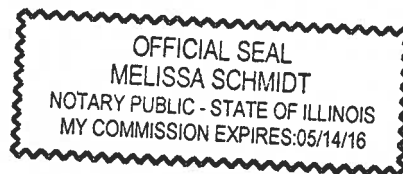
State of Illinois }  
                              } ss.  
County of DuPage }

On August 13, 2013, before me, 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 Lexon 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 05/14/2016

  
Melissa Schmidt, Notary Public



## CORPORATE ACKNOWLEDGMENT FORM

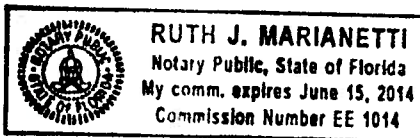
STATE OF FLORIDA

COUNTY OF LEE

On this 14th day of August, 2013, before me personally appeared Sheila Leith to me known, who, being by me first duly sworn, did depose and say that she is a Vice President & Treasurer of **WCI Communities, LLC.**, a Delaware corporation, being the corporation described in and which executed the foregoing instrument; that she knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporation's seal; that such seal was so affixed by order and authority of the Board of Directors of said corporation; and that she signed her name thereto by like order and authority.

My commission expires:

  
Notary Public  
State of Florida



Ruth J. Marianetti  
Printed Name of Notary Public

EE 1014  
Notary Public Commission Number

DEVELOPERS MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that WCI Communities, LLC, 24301 Walden Center Dr., Bonita Springs, FL 34134, 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 Seven Thousand and Seventy Nine and 43/100 Dollars (\$7,079.43) 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, \_\_\_\_\_ in the amount of \$7,079.43 issued by \_\_\_\_\_, which expires on October 31, 2014, the original of which is attached hereto.

WHEREAS, the Developer has developed a residential subdivision in Venice, Florida, known and identified as VENETIAN GOLF AND RIVER CLUB, PHASE 6, 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 14 day of August, 2013.

ATTEST:

[Signature]  
Secretary

DEVELOPER: WCI Communities, LLC  
[Signature]  
President/Vice President

Approved as to form and correctness:

\_\_\_\_\_  
City Attorney

**WCI COMMUNITIES, LLC**  
**INCUMBENCY CERTIFICATE**

THE UNDERSIGNED, Vivien N. Hastings, as the duly appointed Secretary of WCI Communities, LLC, a Delaware limited liability company (the "Company"), hereby certifies to the following:

1. That I am the duly elected and current installed Secretary of the Company.
2. As such officer, I am in possession of the current, up-to-date records of the Company.
3. That such corporate records contain the Certificate of Formation, Limited Liability Company Agreement and minutes of the most recent meetings of the members, managers and officers of the Company.
4. That Sheila Leith is a Vice President and Treasurer for the Company and in such capacity is authorized and empowered to execute, on behalf of the Company the Developer's Completion Bond in connection with the Venetian Golf & River Club Phase 7 bond.

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate this 14th day of August, 2013.

WCI Communities, LLC

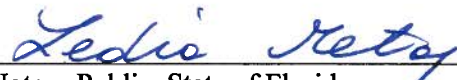
By:

  
Vivien N. Hastings, Secretary

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to and subscribed before me, on August 14, 2013, personally appeared Vivien N. Hastings, as Secretary of WCI Communities, LLC, a Delaware limited liability company, who executed this document on behalf of the Company and who is personally known to me.

My Commission Expires:

  
Notary Public, State of Florida  
LEDIA METAJ  
Printed Name of Notary Public





**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General & Secretary

**Vision:** To be the Healthiest State in the Nation

August 16, 2013

Mr. Roger Aman, Authorized Agent  
WCI Communities Inc.  
4700 Tidewater Preserve Blvd  
Bradenton, FL 34208

**RE: Venetian Golf & River Club, Phase 6**  
**WD:1901-13-001 Final Certification**  
**PWS: City of Venice**

Dear Mr. Aman:

This acknowledges receipt of a certified request for letter of release to place the subject water distribution system into service [DEP Form 62-555.900(9)] and supportive documentation on August 16, 2013. This project was approved for construction under the county permit tracking system number described above, issued January 4, 2013.

Your engineer of record has certified that the subject facilities have been completed to the full extent of the approved plans and specifications. These facilities were cleared bacteriologically in accordance with Rule 62-555.345 Florida Administrative Code with submission of satisfactory bacteriological samples which were collected on July 11<sup>th</sup> and July 12<sup>th</sup> of 2013.

Based on this information, we are issuing this letter of release to place into service the water for the subject facility.

Changes in applicable laws and regulations with affect operating procedures and/or quality standards must be complied with. In addition, we wish to call your attention to the requirements that no sanitary hazards, regardless of how slight, shall be placed within 100 feet of public water supply well and under certain circumstances, this distance can be increased.

Should you have any questions, please contact me at 861-6133.

Sincerely,  
OFFICE OF ENVIRONMENTAL HEALTH

Brian C. Dietz, P.E.  
BCD:mr

cc: Len Bramble, City of Venice  
Dean L. Paquet, P.E. /Kimley-Horn & Associates, Inc.