

RESOLUTION NO. 2022-09

**A RESOLUTION OF THE CITY OF VENICE, FLORIDA, ACCEPTING UTILITIES AND IMPROVEMENTS
INSTALLED BY TOLL SOUTHEAST LP COMPANY, INC. AND ACCEPTING A ONE YEAR
DEVELOPERS MAINTENANCE BOND AND BILL OF SALE, AND PROVIDING AN EFFECTIVE DATE
(VENICE WOODLANDS PHASE 2A)**

WHEREAS, Toll Southeast LP Company, Inc., hereinafter referred to as "Developer", has installed potable water distribution lines and necessary appurtenances for the rendering of potable water services to the following described property: Venice Woodlands Phase 2A, generally located at Border Road west of Jackson 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 developer's 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 developers 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 26th DAY OF APRIL 2022.

Ron Feinsod, Mayor, City of Venice

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, 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 26th day of April 2022, a quorum being present.

WITNESS my hand and official seal of said City this 26th day of April 2022.

Kelly Michaels, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney

BILL OF SALE
VENICE WOODLANDS PHASE 2A WATER MAIN

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

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

Venice Woodlands Phase 2A

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 6th day of April, 2022.

WITNESSES:

DEVELOPER: Toll Southeast LP Company, Inc.
9950 Princess Palm Ave. Suite 330
Tampa, FL 33619

By: [Signature]

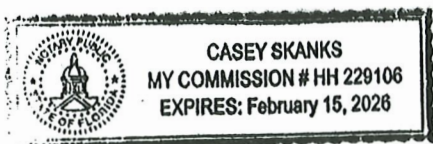
Brian O'Hara, Division President, Tampa Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Subscribed before me this 6 day of April, 2022,
by Brian O'Hara, who is personally known to me or has produced
_____ as identification.

[Signature]
Notary Public

Notary stamp:



"DUPLICATE ORIGINAL"

DEVELOPERS MAINTENANCE BOND

BOND NO: 019082465

KNOW ALL MEN BY THESE PRESENTS, that Toll Southeast LP Company, LP, 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 Fifteen Thousand Three Hundred Sixty-Nine and 00/100 (\$15,369.00) Dollars, lawful money of the United States of America, to the payment of which sum, well and truly to be made, the Developer binds itself, its heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Developer to secure this obligation, has provided the City with a Maintenance Bond No. 019082465 in the amount of \$15,369.00 issued by Liberty Mutual Insurance Company which expires on February 14, 2023, the original of which is attached hereto.

WHEREAS, the Developer has developed a residential subdivision in Venice, Florida, known and identified as Venice Woodlands Phase 2A, 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, 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 15TH day of FEBRUARY, 2022.

ATTEST:



DEVELOPER:

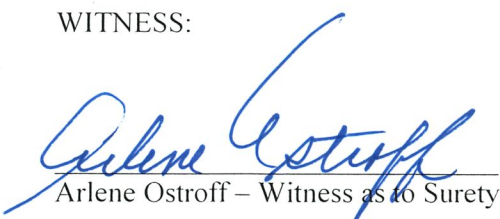
TOLL SOUTHEAST LP COMPANY, INC.



Brian O'Hara
Division President

WITNESS:

SURETY: LIBERTY MUTUAL INSURANCE COMPANY



Arlene Ostroff – Witness as to Surety

By: 
Daniel P. Dunigan, Attorney-in-Fact



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204990-019072

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brian C. Block; Daniel P. Dunigan; James L. Hahn; Joseph W. Kolok, Jr.; Richard J. Decker; William F. Simkiss

all of the city of Berwyn state of PA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 9th day of March, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 9th day of March, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 15th day of February, 2022.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

GENERAL SURETY RIDER

To be attached and form a part of

Bond No. 019082465
For One Year Maintenance Bond - Water System Phase 2A Venice Woodlands
Dated effective 02/15/2022 (MONTH, DAY, YEAR)
Executed by Toll Southeast LP Company, Inc., as Principal, (PRINCIPAL)
And by Liberty Mutual Insurance Company, as Surety, (SURETY)
And in favor of City of Venice (OBLIGEE)

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

INFORMATION	FROM	TO
Term Expiration Date	02/14/2023	04/14/2023
Rider Attorney Infact Name		Daniel P. Dunigan

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

This rider is effective

02/15/2022

(MONTH, DAY, YEAR)

Signed and Sealed

03/10/2022

(MONTH, DAY, YEAR)

Toll Southeast LP Company, Inc.

PRINCIPAL

BY


Brian O'Hara, Division President TITLE

Liberty Mutual Insurance Company

SURETY

BY


Daniel P. Dunigan, ATTORNEY-IN-FACT

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8204990-019072**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brian C. Block; Daniel P. Dunigan; James L. Hahn; Joseph W. Kolok, Jr.; Richard J. Decker; William F. Simkiss

all of the city of Berwyn state of PA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 9th day of March, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 9th day of March, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

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Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10th day of March, 2022.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

GENERAL SURETY RIDER

To be attached and form a part of

Bond No. 019082465
For One Year Maintenance Bond - Water System Phase 2A Venice Woodlands
Dated effective 02/15/2022 (MONTH, DAY, YEAR)
Executed by Toll Southeast LP Company, Inc., as Principal, (PRINCIPAL)
And by Liberty Mutual Insurance Company, as Surety, (SURETY)
And in favor of City of Venice (OBLIGEE)

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

INFORMATION	FROM	TO
Term Expiration Date		05/01/2023

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

This rider is effective

02/15/2022

(MONTH, DAY, YEAR)

Signed and Sealed

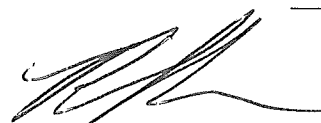
04/11/2022

(MONTH, DAY, YEAR)

Toll Southeast LP Company, Inc.

PRINCIPAL

BY



Brian O'Hara, Division President TITLE

Liberty Mutual Insurance Company

SURETY

BY



Daniel P. Dunigan, ATTORNEY-IN-FACT





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The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204990-019072

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Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

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Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 15th day of February, 2022.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

EXHIBIT A

ENGINEERS OPINION OF PROBABLE COST OF CONSTRUCTION FOR MAINTENANCE BOND FOR VENICE WOODLANDS PHASE 2A WATER MAIN (31 units)						
ITEM	DESCRIPTION	ESTIMATED QUANTITY		UNIT PRICE	AMOUNT	
I. UNDERGROUND						
II.c WATER DISTRIBUTION						
1	2" PE Water Main (with fittings)	280	LF	17.75	\$	4,970.00
2	4" PVC DR-18, C900, CL-235 Water Main (with fittings)	380	LF	25.00	\$	9,500.00
3	8" PVC DR-18, C900, CL-235 Water Main (with fittings)	860	LF	51.25	\$	44,075.00
4	2" Gate Valve	2	EA	1,050.00	\$	2,100.00
5	Fire Hydrant Assembly	1	EA	7,500.00	\$	7,500.00
6	Single water service (Short)	1	EA	825.00	\$	825.00
7	Single water service (Long)	3	EA	900.00	\$	2,700.00
8	Double water service (Short)	9	EA	1,650.00	\$	14,850.00
9	Double water service (Long)	4	EA	1,800.00	\$	7,200.00
13	Pressure testing of main	1,520	LF	5.00	\$	7,600.00
14	Chlorination and bacteriological clearance	1,520	LF	0.75	\$	1,140.00
WATER DISTRIBUTION TOTAL					\$	102,460.00
SUMMARY						
II. UNDERGROUND						
II.c WATER DISTRIBUTION					\$	102,460.00
SUBTOTAL					\$	102,460.00
15% OF TOTAL FOR MAINTENANCE BOND					\$	15,369.00

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

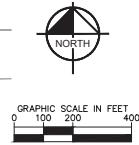
ANDREW. M WISHMAN, P.E.
FLA. REGISTERED ENGINEER #91989
KIMLEY-HORN AND ASSOCIATES, INC.
1777 MAIN STREET, SUITE 200
SARASOTA, FL 34236
REGISTRATION NO. 696

THIS DOCUMENT HAS BEEN DIGITALLY SIGNED
AND SEALED BY ANDREW M. WISHMAN, P.E.
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED
SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON
ANY ELECTRONIC COPIES.

ANDREW M. WISHMAN, P.E. No.: 91989
KIMLEY-HORN AND ASSOCIATES, INC.
REGISTRY No.: 696
1777 MAIN STREET, SUITE 200
SARASOTA, FLORIDA 34236





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PHASE 1 LINE
PHASE 1
63 - 62' LOTS
90 - 52' LOTS
AMENITY CENTER
EMERGENCY ACCESS
PHASE 2
31 - 62' LOTS
79 - 52' LOTS

EXHIBIT A

WATER MAIN INCLUDED WITH MAINTENANCE BOND

SHEET NUMBER		C-1A	
WOODS AT VENICE		FLORIDA	
PREPARED FOR		MASTER UTILITY PLAN	
BORDER ROAD		INVESTMENTS, LLC	
CITY OF VENICE		FLORIDA	
DATE		MAY 2018	
DRAWN BY		J.L.	
CHECKED BY		INS	
SCALE		AS SHOWN	
DESIGNED BY		TPH	
DRAWN BY		J.L.	
DATE		MAY 2018	
PROJECT NUMBER		048119141	
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DATE		MAY 2018	
PROJECT NUMBER		0481	