

DECLARATION OF MAINTENANCE RESPONSIBILITIES

WHEREAS LALP Development, LLC, hereinafter referred to as the Developer, is developing a subdivision within the city limits of Venice, Florida, known and identified as Toscana Isles Units 1 & 2, Phase 2, on the following described real property:

Tracts 7, 8, 9, and 10, Toscana Isles, as per plat thereof recorded in Plat Book 48, Page 6, Public Records of Sarasota County, Florida; and Tracts 103, 104, 108, 109, 110, 111, 112 and 113, Toscana Isles, Unit 1, as per plat thereof recorded in Plat Book 49, Page 32, Public Records of Sarasota County, Florida.

WHEREAS, the Developer desires to have its plat approved and to have the City of Venice undertake certain responsibilities with respect to said development.

WHEREAS, the Developer and the City have agreed that certain of said roads and drainage facilities shall remain privately owned and be maintained by the Developer at no expense to the City of Venice, after completion of construction.

NOW, THEREFORE, the Developer agrees that, upon completion of construction, the Developer shall maintain and repair to applicable City specifications those roads and drainage facilities within TOSCANA ISLES, UNITS 1 & 2, PHASE 2.

This Agreement shall run with the land as described above and shall inure to the benefit of and shall be binding upon the parties hereto, their successors and assigns.

Made and executed this 17 day of February, 2017.

IN WITNESS WHEREOF, the Developer has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the date and year first above written.

LALP Development, LLC, a Florida limited liability company
By: Vanguard Realtors, LLC, a Florida limited liability company
As its Manager

By: [Signature]
John R. Peshkin
As its Manager

STATE OF FLORIDA)
COUNTY OF Sarasota)

Subscribed before me this 17th day of February, 2017, by John R. Peshkin, as Manager of Vanguard Realtors, LLC, ~~by corporation president~~ or produced (Pres [Signature]) (Secy [Signature]) as identification.

Notary stamp:
Commission No.

FF957425



ALYSSA NELSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF957425
Expires 10/2/2018

Alyssa Nelson
Notary Public

DEVELOPERS SUBDIVISION COMPLETION AND PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS, that LALP Development, LLC, herein called "Developer", is held and firmly bound unto the City of Venice, a municipal corporation, herein called "City", and all persons supplying the Developer or his contractors or subcontractors any labor, services, material or supplies used directly or indirectly in the prosecution of the work herein, in the full and just sum of TWO HUNDRED TWENTY-SEVEN THOUSAND TWO HUNDRED EIGHTY NINE AND 16/100 DOLLARS (\$227,289.16), 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 deposited with the City, Ironshore Indemnity Inc. Bond No. SUR60001305, which shall be held by the City until this obligation is satisfied.

WHEREAS, the Developer has applied to the City for approval of a plat for a project to be known as Toscana Isles, Units 1 & 2, Phase 2 and has agreed as conditions to the approval of the City, to install certain improvements as shown on Exhibit "A" and the construction plans by (Engineer) D. Shawn Leins, P.E. of AM Engineering, Inc. dated October 26, 2016 (approval date), and to execute the bond.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS, that if the Developer completes those improvements as shown on Exhibit "A", in accordance with applicable City specifications on or before February 17, 2018, and shall promptly make payment of all persons supplying the Developer or his contractors or subcontractors any labor, services, material or supplies used directly or indirectly in the prosecution of the work herein, this obligation shall be void, otherwise remaining in full force and effect.

In the event the Developer fails to perform any of its obligations herein, the City, upon fifteen (15) days written notice to the Developer may declare the Developer in default and the City shall have, in addition to all other rights, the immediate right to complete or cause to be completed, the obligation secured hereby 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 17th day of FEBRUARY, 2017.

DEVELOPER

LALP Development, LLC, a Florida limited liability company

By: Vanguard Realtors, LLC, a Florida limited liability company
As its Manager

By: 
John R. Peshkin
As its Manager

ATTEST:


Witness

Approved as to form and correctness:

City Attorney

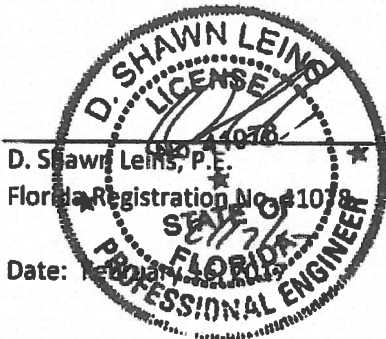
EXHIBIT "A"

TOSCANA ISLES, UNITS 1 & 2, PHASE 2

ENGINEER'S ESTIMATE FOR SUBDIVISION COMPLETION BOND

I, D. Shawn Leins, P.E., a Florida Registered Engineer, License No 41078, do hereby estimate the cost of improvements to be completed as itemized below at \$197,642.75, and that 115% of this amount is \$227,289.16.

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
<u>Earthwork and Subdivision Roads</u>				
1" Type S-3 Asphalt (First Lift)	12,360.00	SY	\$ 5.65	\$ 69,834.00
Handicap Ramps	11.00	EA	\$ 575.00	\$ 6,325.00
5' Concrete Sidewalk	3,275.00	SF	\$ 4.25	\$ 13,918.75
Striping and Signage	1.00	LS	\$ 6,000.00	\$ 6,000.00
Valley Gutter/ Curb Tie-ins	20.00	EA	\$ 200.00	\$ 4,000.00
Pavers	11,000.00	SF	\$ 4.15	\$ 45,650.00
<u>Buffer A</u>				
Fencing	1,500.00	LF	\$ 21.46	\$ 32,190.00
Shrubs	150.00	EA	\$ 7.00	\$ 1,050.00
Canopy Trees	75.00	EA	\$ 230.00	\$ 17,250.00
Ground Cover	7,500.00	SF	\$ 0.19	\$ 1,425.00
Subtotal				\$ 197,642.75
				Multiplier 115%
TOTAL BOND REQUIRED				\$ 227,289.16



SUBDIVISION COMPLETION BOND

Bond No.: SUR60001305

Principal Amount: \$227,289.16

KNOW ALL MEN BY THESE PRESENTS, that we LALP Development, LLC, 7350 Point of Rocks Rd., Sarasota, FL 34242, as Principal, and Ironshore Indemnity Inc., PO Box 3407, New York, NY 10008 a Minnesota 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 Two Hundred Twenty-Seven Thousand Two Hundred Eighty-Nine and 16/100 (Dollars) (\$227,289.16), 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, LALP Development, LLC has agreed to construct in Toscana Isles Subdivision, in Venice, FL the following improvements:

Site Improvements per the Engineer's Estimate for Subdivision Completion Bond at 115% of the \$197,642.75 cost of such improvements not yet constructed, for Toscana Isles, Units 1 & 2, Phase 2, consisting of Earthwork, Road Construction and Landscaping.

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 17th day of February, 2017.

LALP Development, LLC
A Florida limited liability company
Principal

Ironshore Indemnity Inc.
Surety

By: Vanguard Realtors, LLC
A Florida limited liability company
As its Manager

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

By: 
John R. Peshkin
As its Manager

CORPORATE ACKNOWLEDGMENT FORM

STATE OF FLORIDA
COUNTY OF SARASOTA

On this 17th day of February 2017, before me personally appeared John R. Peshkin, to me known, who, being by me first duly sworn, did depose and say that he is the Manager of Vanguard Realtors, LLC, a Florida limited liability company, which is the Manager of LALP Development, LLC, a Florida limited liability company, being the company described in and which executed the foregoing instrument; and that he signed his name thereto by order and authority of the company's Operating Agreement.

My commission expires: 10/02/2018



ALYSSA NELSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF957425
Expires 10/2/2018

Alyssa Nelson

Notary Public
State of Florida

Alyssa Nelson
Printed Name of Notary Public

FF957425
Notary Public Commission Number

STATE OF Kentucky

COUNTY OF Jefferson

On February 17, 2017, before me, Sandra L. Fusinetti, Notary Public,
(here insert name and title of the officer)

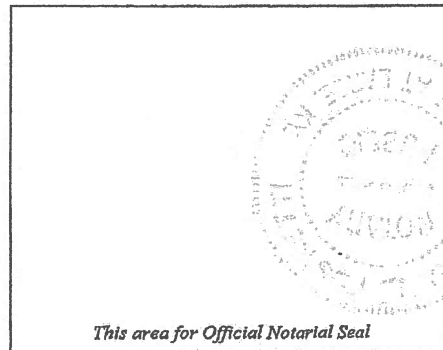
personally appeared Brook T. Smith, Attorney-in-Fact

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sandra L. Fusinetti (SEAL)

Commission Expiration: February 13, 2020



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL

☐ CORPORATE OFFICER

TITLE(S)

☐ PARTNER(S)

☐ LIMITED

☐ GENERAL

☒ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OF TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

License # A245912

FLORIDA DEPARTMENT OF INSURANCE

BROOK THOMAS SMITH
Lic. # 400199448
IS LICENSED TO TRANSACT THE
FOLLOWING CLASSES OF INSURANCE:
Nonres. Gen. Lnes (Prop. & Cas. Ins)

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A245912

SIGNATURE

SIGNATURE

POWER OF ATTORNEY

III- 60001305

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, Deborah Neichter, Jill Kemp, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Amy Meredith, Lynnette Long, Barbara Duncan, Mark A. Guidry, Michele Lacrosse, Jessica Nowlin, Michael Dix, Rebecca M. Reid, Leigh McCarthy and Summer A. Betting 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 IRONSHORE INDEMNITY INC. on the 22nd day of April, 2013 as follows:


Resolved, that the Director 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 \$5,500,000 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 Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the 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, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 2nd day of July, 2013.

IRONSHORE INDEMNITY INC.



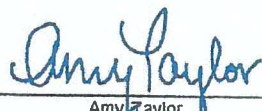
By: 
Daniel L. Sussman
Director

ACKNOWLEDGEMENT

On this 2nd day of July, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity Inc., 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.

AMY TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 07-08-19

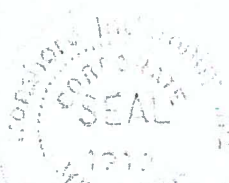



BY: 
Amy Taylor
Notary Public

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., a Minnesota 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 this 17th Day of February, 2017.




Paul S. Giordano
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and 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."