

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Authorize Release of the Right of Way Utilization Permit Maintenance Bond for the Upsala Road ROW - Upsala South Business Park

**DEPARTMENT:** Planning and Development      **DIVISION:** Development Review

**AUTHORIZED BY:** Dori DeBord                      **CONTACT:** Larry Poliner                      **EXT:** 7318

**MOTION/RECOMMENDATION:**

Authorize the release of the Upsala Road Right-of-Way (ROW)-Upsala South Business Park Right of Way Utilization Permit Maintenance Bond #MB41031865 in the amount of \$11,626.00 for the Upsala Road ROW-Upsala South Business Park road improvements

District 5 Brenda Carey

Larry Poliner

**BACKGROUND:**

Maintenance Bond #41031865 for \$11,626.00 (Platte River Insurance Company) was required by Section 35.44 (e) Additional Required Legal Submittals (1) Bonds of the Seminole County Land Development Code to insure operating conditions have not significantly degraded as a result of the work covered by the Upsala Road ROW-Upsala South Business Park Right of Way Utilization Permit. A two year maintenance inspection was conducted by staff for the Upsala Road ROW-Upsala South Business Park project located at 1181/1199 Upsala Road and it was determined to be satisfactory.

**STAFF RECOMMENDATION:**

Staff recommends the Board authorize the release of the Upsala Road Right-of-Way (ROW)-Upsala South Business Park Right of Way Utilization Permit Maintenance Bond #41031865 in the amount of \$11,626.00 for the Upsala Road ROW-Upsala South Business Park road improvements

**ATTACHMENTS:**

- 1. Maintenance Bond
- 2. Power of Attorney

<p><b>Additionally Reviewed By:</b></p> <p><input checked="" type="checkbox"/> County Attorney Review ( Kathleen Furey-Tran )</p>
---

**RIGHT-OF-WAY UTILIZATION PERMIT MAINTENANCE BOND**  
(Streets, Curbs, Storm Drains)

**KNOW ALL MEN BY THESE PRESENTS:**

Robert J. Maksimowicz,  
That we Marie T. Figueiredo, James N. Figueiredo, whose address is 530 S. Hwy 427, Longwood, FL 32750, hereinafter referred to as "PRINCIPAL" and Platte River Insurance Company hereinafter referred to as "SURETY" are held and firmly bound unto Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the COUNTY in the sum of \$ 11,626.00 for the payment of which we bind ourselves, heirs, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, PRINCIPAL has constructed certain improvements, including streets, curbs, storm drains and other appurtenances in that certain public right-of-way known as Upsala Business Park, recorded in Plat Book 33, Page(s) 64, 65, 66, Public Records of Seminole County, Florida; and

WHEREAS, the aforesaid improvements were made pursuant to certain plans and specifications dated                     , 2005, and filed with the County Engineer of Seminole County; and

WHEREAS, PRINCIPAL is obligated to protect the COUNTY against any defects resulting from faulty materials or workmanship of said improvements for a period of two (2) years from 12-1, 2005;

NOW, THEREFORE, the condition of this obligation is such that if PRINCIPAL shall promptly and faithfully protect the COUNTY against any defects resulting from faulty materials or workmanship of the aforesaid improvements for a period of (2) years from 12-1, 2005 then this obligation shall be null and void, otherwise it shall remain in full force and effect.

The County Engineer shall notify the PRINCIPAL in writing of any defect for which the PRINCIPAL is responsible and shall specify in said notice a reasonable period of time within which PRINCIPAL shall have to correct said defect.

The SURETY unconditionally covenants and agrees that if the PRINCIPAL fails to perform, within the time specified, the SURETY, upon 30 days written notice from COUNTY, or its authorized agent or officer, of the default will forthwith correct such defect or defects and pay the cost thereof, including, but not limited to engineering, legal and contingent cost. Should the SURETY fail or refuse to correct said defects, the COUNTY, in view of the public interest, health, safety, welfare and factors involved, and the consideration in approving the said permit shall have the right to resort to any and all legal remedies against the PRINCIPAL and SURETY and either, both at law and in equity, including specifically, specific performance to which the PRINCIPAL and SURETY unconditionally agree.

The PRINCIPAL and SURETY further jointly and severally agree that the COUNTY at its option, shall have the right to correct said defects resulting from faulty materials or workmanship, or, pursuant to public advertisement and receipt of bids, caused to be corrected any defects or said defects in case the PRINCIPAL shall fail or refuse to do so, and in the event the COUNTY should exercise and give effect to such right, the PRINCIPAL and the SURETY shall be jointly and severally hereunder to reimburse the COUNTY the total cost thereof, including, but not limited to, engineering, legal and contingent cost, together with any damages either direct or consequent which may be sustained on account of the failure of the PRINCIPAL to correct said defects.

IN WITNESS WHEREOF, the Principal and the Surety have executed these presents this the 20 day of July, 2005

*Robert J. Maksimowicz*  
Robert J. Maksimowicz, Marie T. Figueiredo,  
James N. Figueiredo *James N. Figueiredo*

Name and Address:  
530 S. Hwy 427, #116  
Longwood, FL 32750

\_\_\_\_\_  
PRINCIPAL

By: \_\_\_\_\_ Its: \_\_\_\_\_  
(If a corporation)

Attest: \_\_\_\_\_ Its: \_\_\_\_\_  
(If a corporation)

Name and Address:

2500 W. Lake Mary Blvd., Ste. 112  
Lake Mary, FL 32746

Platte River Insurance Company (Seal)

\_\_\_\_\_  
SURETY  
By: *Gaunt D. Mosholder* Its: Attorney-In-Fact  
Its Attorney-in-Fact Laura D. Mosholder

Attest: see attached power of attorney  
Inquiries: 407 330 3990

(App E, LDC, through Supp 16).

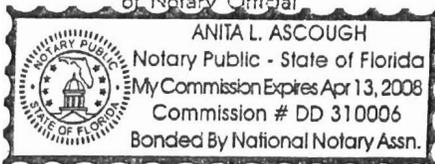
STATE OF FLORIDA  
OF SEMIHOLE

The foregoing instrument was acknowledged before me this 20 day of July 2005, Notary ONLY FOR by JAMES FIGUEIREDO, MARIE FIGUEIREDO who is personally known to me or who has produced PHOTO ID FOR JAMES DRIVERS LICENSE FOR MARIE

(Type of Identification)  
as identification and who (did)  
(did not) take an oath

*Anita L. Ascough*

(Signature of Notary Official)  
ANITA L. ASCOUGH  
Typed, Printed, or Stamped Name  
of Notary Official



PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY

41031865

KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Madison, Wisconsin, does make, constitute and appoint

----- LAURA D. MOSHOLDER, OR MARIAN L. ELAVSKY OF LAKE MARY, FL -----

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

----- ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED \$2,500,000.00 -----

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2002.

"RESOLVED, that the President, and Executive Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of the Corporation; the signature of such officers and seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested by its Executive Vice President, this 7th day of July, 2004.

Attest:

*James J. McIntyre*  
James J. McIntyre  
Executive Vice President



PLATTE RIVER INSURANCE COMPANY

*David F. Pauly*  
David F. Pauly  
President and CEO

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

On the 8th day of January, 2002 before me personally came David F. Pauly, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Dane, State of Wisconsin; that he is President and CEO of PLATTE RIVER INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

*Kathleen A. Paulson*  
Kathleen A. Paulson  
Notary Public, Dane Co., WI  
My Commission Expires 10-15-2006

STATE OF WISCONSIN } S.S.:  
COUNTY OF DANE

I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Madison, State of Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2004.



*James W. Smirz*  
James W. Smirz  
Assistant Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.