

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Authorize Release of the Right of Way Utilization Permit Maintenance Bond for River Run Christian Church

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

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

**MOTION/RECOMMENDATION:**

Authorize the release of the River Run Christian Church Right of Way Utilization Permit Maintenance Bond #70015748 in the amount of \$7,000.00 for the River Run Christian Church Right of Way road improvements.

District 1 Bob Dallari

Larry Poliner

**BACKGROUND:**

Maintenance Bond #70015748 for \$7,000.00 (Western Surety 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 River Run Christian Church Right of Way Utilization Permit Maintenance Bond. A two year maintenance inspection was conducted by staff for this project located at 141 River Run Point and it was determined to be satisfactory.

**STAFF RECOMMENDATION:**

Staff recommends the Board authorize the release of the River Run Christian Church Right of Way Utilization Permit Maintenance Bond #70015748 in the amount of \$7,000.00 for the River Run Christian Church road improvements.

**ATTACHMENTS:**

- 1. ROW Utilization Permit Maintenance Bond
- 2. Power of Attorney
- 3. Request Letter

<p><b>Additionally Reviewed By:</b></p> <p><input checked="" type="checkbox"/> County Attorney Review ( David Shields )</p>
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RIGHT-OF-WAY USE PERMITTING

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

**KNOW ALL MEN BY THESE PRESENTS:**

That we RIVER RUN CHRISTIAN CHURCH, whose address is 111 RIVER RUN POINT CHILWOTA FL 32786, hereinafter referred to as "PRINCIPAL" and WESTERN SURETY COMPANY 1615 S. FILLIPS ST. SIOUX FALLS SD 57104, 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 \$ 7000.00 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 COUNTY ROAD 419, recorded in Plat Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Public Records of Seminole County, Florida; and

WHEREAS, the aforesaid improvements were made pursuant to certain plans and specifications dated Dec. 23, 2004, and filed with the County Engineer of the 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 JANUARY 31, 2006;

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 JAN 31, 2006, 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 16th day of DECEMBER, 2005.

Name and Address:

RIVER RUN CHRISTIAN CHURCH (Seal)  
PRINCIPAL

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

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

Name and Address:

WESTERN SURETY COMPANY  
101 S. PHILLIPS AVE.  
SIOUX FALLS, SD 57104

Diane Gibson (Seal)  
SURETY

By: DIANE GIBSON Its: ATTORNEY IN FACT  
(Its Attorney-in-Fact)

Attest: Paula K. Latham  
PAULA K. LATHAM

(App E, I.D.C. through Supp 16).



# Western Surety Company

## POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 70015748

Know All Men By These Presents, that WESTERNSURETYCOMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Dale E. Clark, Brian A. Clark, Robert A. Jacobson, Diane Gibson, Wendy M. Lands, Heidi S. Skiendziel, Johanna McMasters and Maria E. Zaccaro-Duyk its true and lawful attorneys-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, any surety or fidelity bond in an unlimited amount, and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorneys-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

The penal amount of the bond herein described may be increased if there is attached to this Power, written authority so authorizing in the form of an endorsement, letter or telegram signed by the Senior Underwriting Officer, Underwriting Officer, President, Vice President, Assistant Vice President, Treasurer, Secretary, or Assistant Secretary of Western Surety Company specifically authorizing said increase.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Brufat, and its corporate seal to be affixed this 16 day of DECEMBER, 2005.



STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } SS

WESTERNSURETYCOMPANY

Paul T. Brufat, Senior Vice President

On this 16 day of DECEMBER, in the year 2005, before me, a notary public, personally appeared Paul T. Brufat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERNSURETYCOMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



Notary Public - South Dakota

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 16 day of DECEMBER, 2005

WESTERNSURETYCOMPANY

Paul T. Brufat, Senior Vice President



CHURCH OFFICE  
141 River Run Point  
Chuluota, Florida 32766

CONTACT INFORMATION  
[phone] 407.977.LIFE (5433) [fax] 407.977.5683  
[web] www.riverruncc.org [email] info@rivrerun.org

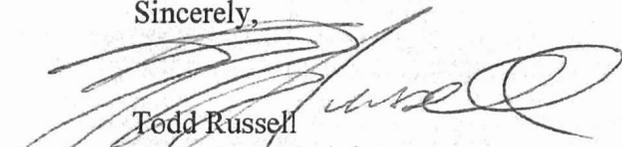
February 6, 2008

Seminole County Government  
Planning & Development Department  
1301 East Second Street  
Sanford, FL 32771-1468

Dear BeJay Harbin,

Please accept this letter as our formal request for release of our Road Maintenance Bond. Per a letter from James Allen dated January 30, 2008, we are fulfilling our obligation in regards to the ROW Utilization Permit Maintenance Bond. If you are in need of further requirements please contact me at 407-977-5433.

Sincerely,



Todd Russell  
Executive Administrator