

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Release of the original Water and Sewer Maintenance Agreement with Letter of Credit for the project known as Willa Springs Office Park Ph II Lot 5

DEPARTMENT: Environmental Services

DIVISION: Business Office

AUTHORIZED BY: Joe Forte, Andrew Neff

CONTACT: Becky Noggle

EXT: 2143

MOTION/RECOMMENDATION:

Approve the Release of the original Water and Sewer Maintenance Agreement with Letter of Credit in the amount of \$8,275.00 for the project known as Willa Springs Office Park Ph II Lot 5

District 1 Bob Dallari

Bob Briggs

BACKGROUND:

The following project has satisfactorily completed the two (2) year maintenance inspection by the Water and Sewer Division. Release Water and Sewer Maintenance Agreement with Letter of Credit # 07-1113 dated 06/20/2007 in the amount of \$8,275.00 for water and sewer which was accepted by Submission Memorandum into County Records for the project known as Willa Springs Office Park Ph II Lot 5

STAFF RECOMMENDATION:

Staff recommends that the Board to approve the release of the original Water and Sewer Maintenance Agreement with Letter of Credit in the amount of \$8,275.00 for the project known as Willa Springs Office Park Ph II Lot 5

ATTACHMENTS:

1. Request for Release & Copy of LOC

Additionally Reviewed By: No additional reviews

R. L. PLOWFIELD & ASSOCIATES, INC.

CONSULTING STRUCTURAL ENGINEERS

1060 Willa Springs Drive
Winter Springs, FL 32708
Phone: [407] 657-6657
Fax: [407] 657-8480
Email: contact@plowfieldandassociates.com
Engineering Business #6295

Robert L. Plowfield, Jr., P.E.
Amy Graef, P.E.
Louis McTague, P.E.
Jeff Yeager, P.E.

26 JULY 2009

**MS. BECKY NOGGLE
SENIOR COORDINATOR
SEMINOLE COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
500 WEST LAKE MARY BOULEVARD
SANFORD, FLORIDA 32773**

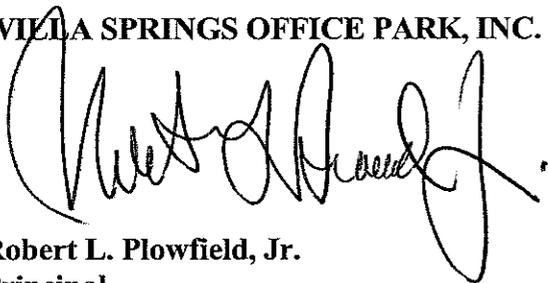
**RE: REQUEST FOR RELEASE OF MAINTENANCE BOND
WILLA SPRINGS OFFICE PARK PHASE II, LOT 5
LOC #07-1113
WINTER SPRINGS, FLORIDA**

BECKY, based upon the inspection of the referenced project as outlined in the attached letter dated 22 July 2009, and based upon this inspection yielding no deficiencies, we request that your office provide written release of the maintenance bond currently being held for this property to Ms. Frances Portalatin of First Commercial Bank of Winter Park, Florida.

Thanks for your help with this, and please call if there are questions regarding the information outlined above, or if we may be of further assistance.

R. L. PLOWFIELD & ASSOCIATES, INC.

WILLA SPRINGS OFFICE PARK, INC.



**Robert L. Plowfield, Jr.
Principal**

ENVIRONMENTAL SERVICES DEPARTMENT



July 22, 2009

Willa Springs Office Park, Inc.
Robert Plowfield
1060 Willa Springs Dr.
Winter Springs, FL 32708

Re: Maintenance Agreement w/ LOC

Project Name: Willa Springs Office Park Ph II Lot 5
LOC# 07-1113
Amount: \$8,275.00
District #1

To Whom It May Concern:

Pursuant to Seminole County's Land Development Code (LDC) requirements, Chapter 35, Part 8, Sec. 35.902 (H) (1,2) the County conducted an inspection of the referenced project on 7/22/2009 to insure that any maintenance problems or design deficiencies which manifested themselves during the maintenance period were addressed prior to expiration of the Bond.

As of 7/22/2009, the Seminole County Water and Sewer Inspector found no deficiencies. Therefore, the above mentioned Maintenance Agreement may be released as required by the Land Development Code.

Please send request for release of the original Maintenance Bond on your letterhead to Becky Noggle, 500 W Lake Mary Blvd., Sanford, FL 32773. LOC/Bonds are to be released by the Board of County Commissioners through a Regular Board Session.

If you have any questions, please contact Becky Noggle @ 407-665-2143.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tyre".

Chip Tyre
Sr. Utilities Inspector

c: Project File



First Commercial Bank of Florida

IRREVOCABLE LETTER OF CREDIT NO. 07-1113

(For Management Agreement – Water and Sewer Improvement)

Main Office

945 South Orange Avenue
Orlando, FL 32806
407.835.1835
407.839.1399 fax

Kissimmee

910 West Vine Street
Kissimmee, FL 34741
407.932.4800
407.932.4838 fax

Lake Mary

3505 W. Lake Mary Boulevard
Lake Mary, FL 32746
407.323.3393
407.330.5811 fax

St. Cloud

4601 Neptune Road
St. Cloud, FL 34769
407.892.6602
407.892.9984 fax

West Orange

12901 West Colonial Drive
Winter Garden, FL 34787
407.877.4015
407.877.4017 fax

Winter Park

1250 Lee Road
Winter Park, FL 32789
407.645.3223
407.645.1128 fax

Pine Castle

5645 Hansel Avenue
Edgewood, FL 32809
407.251.0404
407.251.4307 fax

Date June 20, 2007

ISSUING BANK

FIRST COMMERCIAL BANK OF FLORIDA
945 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32806

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771

Re: Irrevocable Letter of Credit No. 07-1113

Dear Commissioners:

By order of Willa Springs Office Park, Inc., we hereby establish an Irrevocable Letter of Credit in your favor. We hereby authorize you to draw on First Commercial Bank of Florida up to an aggregate amount of Eight Thousand Two Hundred Seventy Five and No/100 Dollars (\$8,275.00) available by your drafts at sight accompanied by a signed statement of the board of County Commissioners that the Maintenance Agreement dated June 14, 2007, between Willa Springs Office Park, Inc. and Seminole County is in default.

Drafts must be drawn and negotiated on or before August 14, 2009 and each draft must state that it is drawn under Irrevocable Letter of Credit no. 07-1113 of First Commercial Bank of Florida dated June 20, 2007, and the amount thereof endorsed on this Letter of Credit. The Bank agrees that this Letter of Credit shall automatically renew itself for successive one year periods unless the Bank shall give notice to you no later than forty-five (45) days preceding the expiration date that it chooses not to renew the Letter of Credit, in which case, the County shall be entitled to demand and receive the outstanding amount of money represented by Letter of Credit. In the event of a draw based on expiration of this Letter of Credit, the proceeds shall be held by Seminole County as a Cash Bond to secured continued adherence to the terms of the Maintenance Agreement with Willa Springs Office Park, Inc.



Under tender payment, you will release to the Bank, the original Irrevocable Letter of Credit marked "Cancelled). In any event, upon expiration or at any time after the completion of the Maintenance Agreement dated June 14, 2007, and the completion of Willa Springs Office Park, Inc. obligations thereunder, you will return the original Irrevocable Letter of Credit to this Bank marked "Cancelled".

We hereby engage with drawers, endorsers, and bona fide holders of all drafts drawn under the in compliance with the terms of this credit, that such drafts will be fully honored upon presentation to the drawee.

If the Board of County Commissioners initiate suit under this Letter of Credit, the Bank hereby agrees to be responsible for Seminole County's court costs and reasonable attorneys' fees, but the First Commercial Bank of Florida shall not be responsible for any attorneys' fees in excess of fifteen percent (15%) of the of the aggregate amount of this Letter of Credit.

This Letter of Credit sets forth in full the terms of our undertaking and such undertaking shall not, in any way, be amended by reference herein to any agreement, and any such reference shall not be deemed to incorporate herein by reference any document or agreement other than the Maintenance Agreement dated June 14, 2007, and referenced herein.

Very truly yours,

FIRST COMMERCIAL BANK OF FLORIDA

BY: Susan Hicks
Susan Hicks, its Senior Vice President

ATTEST:

BY: Lorraine Everhart
Lorraine Everhart, its Vice President

(CORPORATE SEAL)



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Florida Profit Corporation

WILLA SPRINGS OFFICE PARK, INC.

Filing Information

Document Number P03000083022

FEI/EIN Number 550844167

Date Filed 07/30/2003

State FL

Status ACTIVE

Principal Address

1060 WILLA SPRINGS DR
WINTER SPRINGS FL 32708 US

Changed 06/30/2005

Mailing Address

1060 WILLA SPRINGS DR
WINTER SPRINGS FL 32708 US

Changed 06/30/2005

Registered Agent Name & Address

PLOWFIELD, ROBERT L JR.
1060 WILLA SPRINGS DR
WINTER SPRINGS FL 32708 US

Address Changed: 10/28/2005

Officer/Director Detail

Name & Address

Title P, D

PLOWFIELD, ROBERT L JR.
1060 WILLA SPRINGS DR
WINTER SPRINGS FL 32708 US

Title VP

PLOWFIELD, CHRISTA J
1060 WILLA SPRINGS DR
WINTER SPRINGS FL 32708 US

Annual Reports

Report Year Filed Date

2007 01/16/2007
2008 04/21/2008
2009 04/16/2009

Document Images

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