

SUBJECT: Valrico Dunkin Off-Site **PI# 6127**
DEPARTMENT: Development Review Division of Development Services Department
SECTION: Project Review & Processing
BOARD DATE: September 10, 2024
CONTACT: Lee Ann Kennedy

RECOMMENDATION:

Grant permission to the Development Services Department to administratively accept the Required Off-Site Improvement Facilities (turn lane and sidewalk Lithia Pinecrest) for Maintenance to serve Valrico Dunkin Off-Site, located in Section 06, Township 30, and Range 21 upon proper completion, submittal and approval of all required documentation. Also provide the administrative rights to release the warranty security upon expiration of the warranty period, warranty inspection and correction of any failure, deterioration or damage to the Improvement Facilities. Accept a Warranty Check in the amount of \$3,240.00 and authorize the Chair to execute the Agreement for Warranty of Required Off-Site Improvements.

BACKGROUND:

On October 4, 2023, Permission to Construct was issued for Valrico Dunkin Off-Site, after construction plan review was completed on February 6, 2023. Construction has been completed in accordance with the approved plans and has been inspected and approved by the appropriate agencies. The developer has provided the required Check, which the County Attorney's Office has reviewed and approved. The developer is Apostolers Properties Inc and the engineer is Aspire Engineering, Inc.

VICINITY MAP



OWNER/DEVELOPER'S AGREEMENT FOR WARRANTY OF REQUIRED OFF-SITE IMPROVEMENTS

This Agreement made and entered into this _____ day of _____, 20_____, by and between APOSTOLERES PROPERTIES INC., hereinafter referred to as the "Owner/Developer" and Hillsborough County, a political subdivision of the State of Florida, hereinafter referred to as the "County."

Witnesseth

WHEREAS, the Board of County Commissioners of Hillsborough County has adopted site development regulations which are set forth in the Land Development Code (hereafter the "Site Development Regulations"); and

WHEREAS, the Site Development Regulations authorize the County to accept ownership and/or maintenance responsibility of off-site improvement facilities constructed by the Owner/Developer in conjunction with site development projects in Hillsborough County, provided that the improvement facilities meet County standards and are warranted against defects in workmanship and materials for a period of two (2) years; and

WHEREAS, the Owner/Developer has completed certain off-site improvement facilities in conjunction with the site development project known as VALRICO DUNKIN (hereafter referred to as the "Project"); and

WHEREAS, pursuant to the Site Development Regulations, the Owner/Developer has requested the County to accept the aforementioned off-site improvement facilities for ownership and/or maintenance; and

WHEREAS, the Owner/Developer has represented to the County that the completed improvement facilities have been constructed in accordance with the approved plans and all applicable County regulations and technical specifications; and

WHEREAS, the Owner/Developer has offered to warranty the off-site improvement facilities against any defects in workmanship and materials and to correct any such defects which arise during the warranty period.

NOW, THEREFORE, in consideration of the intent and desire of the Owner/Developer as set forth herein, and to gain acceptance for ownership and/or maintenance by the County of the aforementioned off-site improvement facilities, the Owner/Developer and the County agree as follows:

1. The terms, conditions and regulations contained in the Site Development Regulations are hereby incorporated by reference and made a part of this Agreement.
2. For a period of two (2) years following the date of acceptance of the off-site improvement facilities for ownership and/or maintenance by the County, the Owner/Developer agrees to warrant the off-site improvement facilities described below against failure, deterioration or damage resulting from defects in workmanship or materials. The Owner/Developer agrees to correct within the warranty period any such

failure, deterioration or damage existing in the improvement facilities so that said improvement facilities thereafter comply with the technical specifications contained in the approved plans and Site Development Regulations. The off-site improvement facilities to be warranted constructed in conjunction with the Project are as follows:

RIGHT TURN LANE AND SIDEWALK CONSTRUCTION ALONG LITHIA PINECREST ROAD

3. The Owner/Developer agrees to, and in accordance with the requirements of the Site Development Regulations, does hereby deliver to the County an instrument ensuring the performance of the obligations described in paragraph 2 above, specifically identified as:
- a. Letter of Credit, number _____, dated _____, with _____ by order of _____, or
 - b. A Warranty Bond, dated _____ with _____ as Principal, and _____ as Surety, and
 - c. Cashier/Certified Check, number 550 899 6685, dated 7/30/2024 be deposited by the County into a non-interest bearing escrow account upon receipt. No interest shall be paid to the Owner/Developer on funds received by the County pursuant to this Agreement.

A copy of said letter of credit, warranty bond, or cashier/certified check is attached hereto and by reference made a part hereof.


4. In the event the Owner/Developer shall fail or neglect to fulfill its obligations under this Agreement and as required by the Site Development Regulations, the Owner/Developer shall be liable to pay for the cost of reconstruction of defective off-site improvement facilities to the final total cost, including but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the County may sustain as a result of the Owner/Developer's failure or neglect to perform.
5. The County agrees, pursuant to the terms contained in the Site Development Regulations, to accept the off-site improvement facilities for maintenance, at such time as:
- a) The Engineer-of-Record for the Owner/Developer certifies in writing that said off-site improvement facilities have been constructed in accordance with:
 - (1) The plans, drawings, and specifications submitted to and approved by the County's Development Review Division of Development Services Department; and
 - (2) All applicable County regulations relating to the construction of the off-site improvement facilities; and
 - b) Authorized representatives of the County's Development Review Division of Development Services Department have reviewed the Engineer-of-Record's

certification and have not found any discrepancies existing between the constructed improvement facilities and said certification.

- 6. If any part of this Agreement is found invalid and unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and the intentions of the parties can be effectuated.
- 7. This document, including all exhibits and other documents incorporated herein by reference, contains the entire agreement of the parties. It shall not be modified or altered except in writing signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, effective as of the date set forth above.

ATTEST:




 Witness Signature

Rosalie Apostoleres

Printed Name of Witness



 Witness Signature



 Printed Name of Witness

CORPORATE SEAL
(When Appropriate)

CINDY STUART
Clerk of the Circuit Court

By: _____
Deputy Clerk

Owner/Developer:


 By: _____
 Authorized Corporate Officer or Individual
 (Sign before Notary Public and 2 Witnesses)

Nicholas Apostoleres

Printed Name of Signer

President

Title of Signer

1223 Lakeside Drive Brandon FL 33510

Address of Signer


813-263-2562

Phone Number of Signer

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

By: _____
Chair

APPROVED BY THE COUNTY ATTORNEY


 BY: _____
 Approved As To Form And Legal
 Sufficiency.

Representative Acknowledgement

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this
29th day of July, 2024, by Nicholas Apostoleres as
(day) (month) (year) (name of person acknowledging)
President for Apostoleres Properties, Inc.
(type of authority,...e.g. officer, trustee, attorney in fact) (name of party on behalf of whom instrument was executed)

Personally Known OR Produced Identification

Nicole Bentivegna
(Signature of Notary Public - State of Florida)

Type of Identification Produced

Nicole Bentivegna
(Print, Type, or Stamp Commissioned Name of Notary Public)



HH 147828 6/30/25
(Commission Number) (Expiration Date)

Individual Acknowledgement

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this
____ day of _____, _____, by _____
(day) (month) (year) (name of person acknowledging)

Personally Known OR Produced Identification

(Signature of Notary Public - State of Florida)

Type of Identification Produced

(Print, Type, or Stamp Commissioned Name of Notary Public)

(Notary Seal)

(Commission Number)

(Expiration Date)



CASHIER'S CHECK

61-1/620

5508996685

07/30/2024

APOSTOLERES PROPERTIES INC /

Purchaser / Purchased For

THREE THOUSAND TWO HUNDRED FORTY DOLLARS AND 00 CENTS

PAY TO THE ORDER OF: BOCC

\$3,240.00



Regions Bank

Yorna Geuzen
Authorized Signature Branch FL00148
CC148100 *YQ*

⑈ 5508996685⑈ ⑆ 06 20000 19⑆ 000074265 1⑈

APPROVED BY THE COUNTY ATTORNEY

BY *[Signature]*
Approved As To Form And Legal
Sufficiency.



ASPIRE ENGINEERING, INC.

Engineering Excellence Delivered

1023 Professional Park Drive
Brandon, FL 33511
Phone: (813) 571-2850
Fax: (813) 571-1753
E-mail: aspireeng@yahoo.com

July 27, 2024

Hillsborough County Planning & Growth Management
601 East Kennedy Boulevard, 19th Fl.
Tampa, Florida 33602

RE: Valrico Dunkin – CONSTRUCTION COMPLETION CERTIFICATION
Folio No. 87263.0150
Project ID 6127 – SR No.: 22-0022
Engineer’s Project No. 21-026

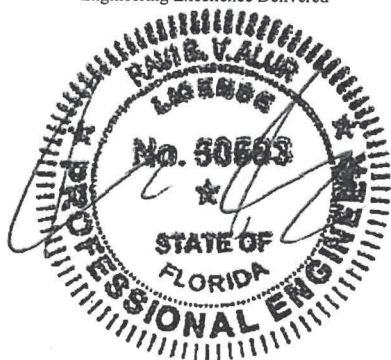
To Whom It May Concern:

This is in a letter certify that all the on-site and off-site constructions for the above project were constructed in substantial conformance with the approved plans and Hillsborough Coutny land Development Code. Please note that we have submitted all required documents for BOCC and the owner is taking the responsibility of maintenance of the off-site improvements until the BOCC accepts the project.

Thank you very much for your cooperation with this project. If you have any questions or wish to discuss this project do not hesitate to contact our office.

Sincerely,

Aspire Engineering, Inc.
Engineering Excellence Delivered



RAVI S ALUR

Digitally signed by RAVI S ALUR
DN: c=US, o=ASPIRE ENGINEERING
INC,
dnQualifier=A01410C00000183E0AD
EE3400032B12, cn=RAVI S ALUR
Date: 2024.07.30 09:19:25 -04'00'

7/27/24

Ravi Alur, P.E., LEED AP
President

cc: Nick Apostoleres