

SUBJECT: Valrico Retirement Residence Off-Site **PI# 4109**
DEPARTMENT: Development Review Division of Development Services Department
SECTION: Project Review & Processing
BOARD DATE: September 13, 2022
CONTACT: Lee Ann Kennedy

RECOMMENDATION:

Grant permission to the Development Services Department to administratively accept the Required Off-Site Improvement Facilities to serve Valrico Retirement Residence Off-Site located in Section 01, Township 30, and Range 20 (forcemain) for Maintenance 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 Bond in the amount of \$163,916.00 and authorize the Chair to execute the Agreement for Warranty of Required Off-Site Improvements.

BACKGROUND:

On November 28, 2020, Permission to construct was issued for Valrico Retirement Residence Off-Site. 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 Bond, which the County Attorney's Office has reviewed and approved. The developer is Valrico Retirement Residence, LLC and the engineer is Tillman Engineering, Inc.

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

This Agreement made and entered into this _____ day of _____, 20²², by and between Valrico Retirement Residence LLC, 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 Retirement Residence LLC (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:

Offsite Force Main

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 05/26/2022 with Valrico Retirement Residence LLC as Principal, and Philadelphia Indemnity Insurance Company as Surety, and
 - c. Cashier/Certified Check, number _____, dated _____ 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:

Owner/Developer:

Michele DeBeneditto
 Witness Signature

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

Michele DeBeneditto
 Printed Name of Witness

Eric Mulligan
 Printed Name of Signer

Maija [Signature]
 Witness Signature

President
 Title of Signer

Maija Saunders
 Printed Name of Witness

2260 McGilchrist St. SE, Salem, OR 97302
 Address of Signer

503-586-7401
 Phone Number of Signer

CORPORATE SEAL
(When Appropriate)

CINDY STUART
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

APPROVED BY THE COUNTY ATTORNEY
[Signature]
 BY _____
 Approved As To Form And Legal
 Sufficiency.

Representative Acknowledgement

STATE OF ~~FLORIDA~~ Oregon
COUNTY OF ~~HILLSBOROUGH~~ Marion

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this
22nd day of June, 2022, by Eric Mulligan as
(day) (month) (year) (name of person acknowledging)
President for Valrico Retirement Residence LLC
(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

Jill Henry
(Signature of Notary Public - State of ~~Florida~~ Oregon)

Type of Identification Produced

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



(Notary Seal)

996687
(Commission Number)

02/12/2024
(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)

THEN THIS OBLIGATION SHALL BE NULL AND VOID; OTHERWISE, TO REMAIN IN FULL FORCE AND EFFECT UNTIL March 21st, 2024

SIGNED, SEALED AND DATED this 21st day of March, 2022.

ATTEST:
Valrico Retirement Residence LLC



Principal Signature

(Seal)


Philadelphia Indemnity Insurance Company



Surety Signature

(Seal)

ATTEST:

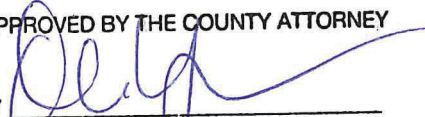


Sharlita Holmes, Attorney-in-fact Signature



(Seal)

APPROVED BY THE COUNTY ATTORNEY

BY 

Approved As To Form And Legal Sufficiency.

as amended

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Eileen Jo Brayman, Glen Scott Reese, Sharlita Holmes and Mike Jorgensen of AssuredPartners of Oregon, LLC dba: Alliance Insurance Group, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

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 PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

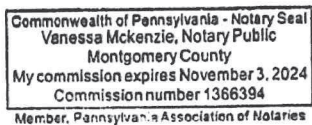


(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 21st day of March, 2022



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100, Bala Cynwyd, Pennsylvania 19004
610.617.7900 • Fax 610.617.7940 • PHL.Y.com

SURETY BOND SEAL ADDENDUM

PHILADELPHIA INDEMNITY INSURANCE COMPANY

As part of its business continuity efforts during the pendency of the COVID-19 pandemic, Philadelphia Indemnity Insurance Company ("PIIC") has temporarily authorized its Attorneys-in-Fact to affix PIIC's corporate seal in a digital format in lieu of its traditional raised seal to any bond issued on its behalf by any such Attorney-in-Fact.

PIIC agrees and affirms that the digital corporate seal found herein is deemed affixed to the bond and the Power of Attorney with the same effect as if its raised corporate seal had been affixed to the bond itself.

Effective this 20TH day of March, 2020.

Philadelphia Indemnity Insurance Company



By: 
Michael Cundiff, Senior Vice President



A Member of the Tokio Marine Group

Bond Number : **PB 03120900089**

ENDORSEMENT

To be attached to and form a part of Site Development Warranty – Off-site Improvements Bond, issued by the undersigned company, as Surety on behalf of Valrico Retirement Residence, LLC as Principal, in favor of Board of County Commissioners of Hillsborough County, Florida as Obligee,

Effective May 26th, 2022, the Principal and the Surety hereby agree to amend the attached bond as follows:

Effective Date: From March 21st, 2022 to May 26th, 2022

Expiration Date: From March 21st, 2024 to May 26th, 2025


All else remains the same.

Provided that the liability under this endorsement shall be part of, and not in addition to, the liability under the attached Bond, and in no event shall be cumulative.

Nothing herein contained shall vary, alter or extend any of the provisions, conditions, or other terms of this bond except as above stated.

SIGNED, SEALED, DATED: May 26th, 2022.

Valrico Retirement Residence, LLC
(Principal)
By: 


Philadelphia Indemnity Insurance Companies
(Surety)
By: 
Sharlita Holmes, Attorney In Fact



Board of County Commissioners of Hillsborough
County, Florida
(Obligee)

By: _____

Obligee: Please sign endorsement and return to our office.

APPROVED BY THE COUNTY ATTORNEY
Endorsement Number: 1
BY: 
Approved As To Form And Legal
Sufficiency.

DIRECT CORRESPONDENCE TO:
Philadelphia Indemnity Insurance Companies, P.O. Box 3636 Bala Cynwyd, PA 19004
PHONE (610) 227-0186

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Eileen Jo Brayman, Glen Scott Reese, Sharlita Holmes and Mike Jorgensen of AssuredPartners of Oregon, LLC dba: Alliance Insurance Group, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

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 PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

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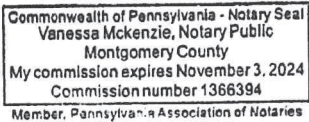


(Seal)

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residing at:

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In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 26th day of May, 2022.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



PHILADELPHIA INSURANCE COMPANIES

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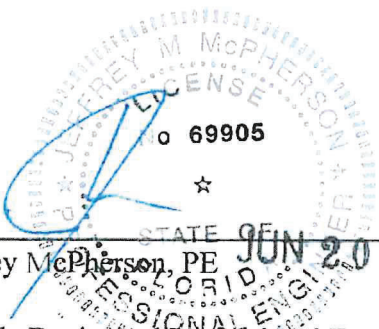
Philadelphia Indemnity Insurance Company



By: _____
Michael Cundiff, Senior Vice President

VALRICO RETIREMENT RESIDENCE
Engineer's Certification of Total Cost and Quantities

STREETS AND DRAINAGE.....	PRIVATE
SANITARY SEWER COLLECTION.....	\$54,036.50
WATER DISTRIBUTION SYSTEM.....	\$43,253.00
TOTAL:	\$97,289.50
10% WARRANTY BOND AMOUNT	\$9,728.95



 Jeffrey McPherson, PE
 Florida Registered Professional Engineer #69905
 Tillman and Associates Engineering, LLC



SITE DEVELOPMENT • UNDERGROUND UTILITIES • PAVING

Valrico Retirement - material Cost for Forcemain & Watermain

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
WASTEWATER					
1	2750	LF	4" DR18 Certalok PVC	\$ 9.85	\$ 27,087.50
2	9	EA	Casing Spacers	\$ 150.00	\$ 1,350.00
3	2	EA	End Seals	\$ 136.00	\$ 272.00
4	60	LF	Steel Casing Pipe	\$ 43.00	\$ 2,580.00
5	5	LF	4" Plug Valve	\$ 500.00	\$ 2,500.00
6	28	EA	4" Bends	\$ 195.00	\$ 5,460.00
7	5	EA	4" Air Release Valves	\$ 1,600.00	\$ 8,000.00
8	1	EA	4" Sleeve	\$ 250.00	\$ 250.00
9	5	EA	SS 4" x 2" Tapping Saddles	\$ 407.00	\$ 2,035.00
10	2	EA	Quazite PG3048BA36 Vault	\$ 1,167.00	\$ 2,334.00
11	2	EA	Quazite 3048CA0017 Cover	\$ 1,084.00	\$ 2,168.00
TOTAL WASTEWATER DISTRIBUTION SYSTEM:					\$ 54,036.50

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
POTABLE WATER					
1	80	LF	24" Steel Casing	\$ 120.00	\$ 9,600.00
2	12	EA	Casing Spacers	\$ 85.00	\$ 1,020.00
3	2	EA	End Seals	\$ 75.00	\$ 150.00
4	367	LF	12" DIP Pipe	\$ 34.00	\$ 12,478.00
5	7	LF	12" Gate valve	\$ 1,750.00	\$ 12,250.00
6	1	EA	12" Cross	\$ 550.00	\$ 550.00
7	3	EA	12" Tee	\$ 590.00	\$ 1,770.00
8	7	EA	12" Bend	\$ 410.00	\$ 2,870.00
9	19	EA	12" Restraint	\$ 135.00	\$ 2,565.00
TOTAL POTABLE WATER DISTRIBUTION SYSTEM:					\$ 43,253.00



Contractor Affidavit

I/We as contractor for the construction of the improvement facilities Off Site Water/Wastewater Improvements for Valrico Retirement Residence, having been first duly sworn, depose and say: That all the material used in the construction of the facilities meet the requirements of the Hillsborough County Water and Wastewater Technical Manual Specifications, the Highway and Bridge Technical Manual, and the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.

By: [Signature]
Signature

Print name and title _____
Eric Mulligan, President

Company: Hawthorn Construction Group LLC

Address: 2260 McGilchrist St. SE, Salem, OR 97302

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10th day of June, 2022, by Eric Mulligan.
(day) (month) (year) (name of person acknowledging)

Personally Known OR Produced Identification

Type of Identification Produced

[Signature]
(Signature of Notary Public - State of Florida)
Oregon

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

996687
(Commission Number)

February 12, 2024
(Expiration Date)

(Notary Seal)

