

BOARD OF PUBLIC WORKS AND SAFETY (Form B-01-2012)
Agenda Request Form

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	02/05/14	Meeting Date:	03/03/14
Contact Information:			
Requested by:	City Engineer Travis Underhill		
On Behalf of Organization or Individual:		Lexon Surety Group	
Telephone:	317-736-3631		
Email address:	tunderhill@franklin.in.gov		
Mailing Address:	70 E. Monroe Street		
Describe Request:			
Request Release of Maintenance Bond #5038130 for Heritage Brookhaven, LLC – Erosion Control in Heritage Section 3			
List Supporting Documentation Provided:			
Letter from Lexon Surety Group			
Who will present the request?			
Name:	Travis Underhill	Telephone:	317-736-3631

In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.



Lexon Insurance Company
Bond Safeguard Insurance Company

Sec. 3
Sub #28

January 31, 2014

City of Franklin
70 E. Monroe St.
Franklin, IN 46131

RE: Bond#: **5038130**
Principal: **Heritage Brookhaven LLC**
Contract: Erosion Control in Heritage Sec 3
Amount: **\$23,750**

This bond was in effect on 7/30/2010 and I need to know if this bond is released. Please complete the following information and let me know if the bond is released or replaced and what the exact date of release is. **Please email or fax back to me.** If we are not released from this obligation, please let me know as soon as possible.

Date Released/Replaced: _____

Replacement Bond Number: _____

Amount Released: _____

Signature: _____

Position: _____

Phone Number: _____

Please fax or e-mail this back at your earliest convenience.

Thank you for all your assistance.

Sincerely,

Diana Rea/Underwriting Department
Phone: 615-553-9500
Fax: 615-553-9502
Email: drea@LexonSurety.com

NASHVILLE OFFICE
12890 LEBANON ROAD
MT. JULIET, TN 37122
PH: 615-553-9500 FX: 615-553-9502

CHICAGO OFFICE
900 S. FRONTAGE ROAD, SUITE 250
WOODRIDGE, IL 60517
PH: 630-495-9380 FX: 630-495-9272
www.LexonSurety.com

LOUISVILLE OFFICE
10002 SHELBYVILLE ROAD, SUITE 100
LOUISVILLE, KY 40223
PH: 502-253-6500 FX: 502-253-6570

MAINTENANCE BOND

Bond No. 5038130

KNOW ALL MEN BY THESE PRESENTS:

That Heritage Brookhaven Development, LLC, 6925 East 96th Street, Ste. 200, Indianapolis, IN 46250, as Principal, hereinafter called Contractor, and Bond Safeguard Insurance Company, 1919 S. Highland Ave., Bldg-A, Ste. 300, Lombard, IL 60148, as Surety, hereinafter called Surety, are held and firmly bound unto City of Franklin, 70 E. Monroe St., Franklin, IN 46131, as Obligee, hereinafter called Owner, in the penal sum of Twenty Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$23,750.00), for payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has constructed various public improvements:

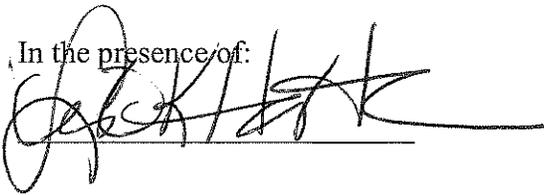
Erosion Control in Heritage Section 3

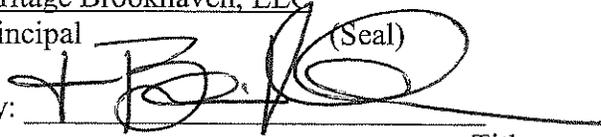
in accordance with the General Conditions, the Drawings and Specifications, which Plans are by reference incorporated herein, and made a part hereof, and is referred to as the Plans.

NOW, THEREFORE, the condition of this obligation is such that, if Contractor shall remedy any defects due to faulty materials or workmanship, and pay for any damage to other work resulting therefrom, which shall appear within a period of Three (3) Years from the date of substantial completion of the work provided for in the Plans, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that Owner shall give Contractor and Surety notice of observed defects with reasonable promptness.

SIGNED and sealed this 30th day of July, 2010.

In the presence of:


Heritage Brookhaven, LLC
Principal _____ (Seal)
By: 
Title _____

Bond Safeguard Insurance Company
Surety
By: 
Melissa Schmidt, Attorney-in-Fact

POWER OF ATTORNEY AO 69010
Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: James I. Moore, Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy Faust, Kelly A. Gardner, Elaine Marcus, Jennifer J. McComb, Melissa Schmidt, Joel E. Speckman, Heather A. Beck, Tariese M. Pisciotto *****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$1,000,000.00, One Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

BY *David E. Campbell*
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/13

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 30th Day of July, 20 10



Donald D. Buchanan
Donald D. Buchanan
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

