

BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form

(Form B-01-2012)

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: | 3/25/2015 | Requested Meeting Date: | 4/6/2015 |
| | | Confirmed Meeting Date: | |
| Received by: | | | |
| Contact Information: Please provide all requested information in the fields below. (Print or Type) | | | |
| On Behalf of Organization or Individual: | | Arbor Homes | |
| Name: | Bruce Fagan | Telephone: | 842-1875 |
| Title or Position: | Land Development Manager | | |
| E-Mail: | BruceF@ArborHomesllc.com | | |
| Address: | 6666 E. 75 th Street, Suite 400 | | |
| City: | Indianapolis | State: | IN |
| | | ZIP: | 46250 |
| Who will attend the meeting and present the request? | | | |
| Name: | Bruce Fagan | Telephone: | 842-1875 |
| Title or Position: | Land Development Manager | | |
| E-Mail: | BruceF@ArborHomesllc.com | | |
| Please describe the purpose or title of your presentation. | | | |
| Release of Performance Bond 5042177 in the amount of \$65,648.04 for Subdivision Maintenance Bond 5055952 in the amount of \$13,676.68. Arbor Homes has filed as-builts which have been accepted by the Planning and Engineering Department. | | | |
| Supporting documents: All supporting documents should be submitted with the request form. | | | |
| 1. Letter of Request | | | |
| 2. Engineers Estimate Letter | | | |
| 3. Subdivision Performance Bond 5042177 | | | |
| 4. Subdivision Maintenance Bond 5055952 | | | |



March 20, 2015

Travis Underhill
City Of Franklin, Engineering Division
70 East Monroe Street
Franklin Indiana 46131

Attention: Travis Underhill, P.E.

Re: Heritage Section 5 Sanitary Sewers

Travis,

By virtue of this letter Arbor Investments, LLC respectfully requests to appear before the Board of Public Works and Safety on April 06, 2015 to request the following actions of the Board:

1. Acceptance of the Sanitary Sewer improvements in Section 5 of the Heritage Subdivision
2. Acceptance of the Sanitary Sewer As-builts currently on file in the City Engineer's Office
3. Release of the performance bond number 5042177, in the amount of \$65,648.04 posted to cover construction of said improvement
4. Acceptance of maintenance bond number 5055952, in the amount of \$13,676.68 (enclosed) which represents 25% of the cost of the public improvement in lieu of the performance surety referenced above.

I have also provided a copy of the Bond Estimate worksheet dated 11/23/2014 for your convenience.

If there are questions, or if I have omitted any information please let me know and I will fill in the gaps in information immediately per your request. Thanks in advance for your assistance in this matter.

Sincerely,

Bruce A. Fagan
Land Development Manager

Cc: File



November 23, 2014

Joanna Myers, Senior Planner
City Of Franklin
70 Monroe Street
Franklin, Indiana 46131

RE: Heritage Section 5 Engineers Estimate

Dear Joanna,

Below is the engineer's estimate for Heritage Section 5 to be used in verifying the correct bond amounts prior to plat recordation:

| <u>Bonded Item</u> | <u>Cost Estimate</u> | <u>Bond Amount (120%)</u> |
|--------------------------------------|----------------------|---------------------------|
| Sanitary Sewer | \$54,706.70 | \$65,648.04 |
| Storm Sewer, Swales, & U/D | \$88,291.60 | \$105,949.92 |
| E/C & Seeding | \$14,230.00 | \$17,076.00 |
| Streets Stabilization, Binder, & U/D | \$91,324.40 | \$109,589.28 |
| Streets/Surface | \$13,428.00 | \$16,113.60 |
| Sidewalks | \$22,000.00 | \$26,400.00 |
| Street Lights | \$6,600.00 | \$7,920.00 |
| Street Signs | \$2,000.00 | \$2,400.00 |
| Survey Monuments | \$2,250.00 | \$2,700.00 |
| Curbs | \$14,428.80 | \$17,314.55 |

If you need anything else, or if you have any questions, please let me know. We would like to appear at the December 16th meeting to have these sureties accepted so that we can move on with recordation of the plat.

Sincerely,
Arbor Investments, LLC

Paul C. Claire, P.E.
Director of Land Development

cc: Travis Underhill, P.E.

Bond Safeguard Insurance Company

900 S. Frontage Rd., Suite 250, Woodridge, IL 60517

Subdivision Maintenance Bond

Bond Number 5055952
Project Name Heritage Section 5
Improvements Sanitary Sewers

KNOW ALL MEN BY THESE PRESENTS, that We, the undersigned, Arbor Investments, LLC, 6626 E. 75th Street, Suite 400, Indianapolis, IN 46250 as Principal Bond Safeguard Insurance Company, 900 S. Frontage Road, Suite 250, Woodridge, IL 60517 as Surety are held and firmly bound unto the City of Franklin, Indiana, in the penal sum of Thirteen Thousand Six Hundred Seventy Six and 68/100 DOLLARS, \$13,676.68 for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 16th DAY OF March, 2015. THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, Arbor Investments LLC has installed and completed improvements of Heritage Section 5 Sanitary Sewers.

NOW, THEREFORE, warrants its workmanship and all materials used in the work to be in accordance with the standards, specifications, and requirements of the City of Franklin, Indiana, and if Arbor Investments LLC, at its own expense for a period of three (3) years from the date of acceptance by the City of Franklin, Indiana, shall make all repairs which may become necessary by reason of improper workmanship or materials, then this obligation to be null and void, otherwise to be and remain in full force and effect.

It is a further condition of this bond that if it is not released by official action of the Board of Public Works and Safety within the stated three (3) years from the date of acceptance, such term shall automatically extend for an additional one hundred and eighty (180) day period.

BY: Arbor Investments LLC
[Signature]
Curtis A. Rector, Pres.

BY: Bond Safeguard Insurance Company
[Signature]
Liana M. Shelton, Attorney-In-Fact

Accepted by the Franklin Board of Public Works and Safety this _____ day of _____, 20__.

Joseph McGuinness, Board Member Steve Barnett, Board Member Bob Swinehamer, Board Member

ATTEST: _____
Janet P. Alexander, Clerk-Treasurer

Released by the Franklin Board of Public Works and Safety this _____ day of _____, 20__.

Board Member Board Member Board Member

ATTEST: _____
Clerk-Treasurer

POWER OF ATTORNEY

BSIC-233913

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that BOND SAFEGUARD INSURANCE COMPANY, a South Dakota Corporation with its principal office in Sioux Falls, South Dakota, does hereby constitute and appoint: Daniel T. Touw, Liana M. Shelton and Jason D. McEldowney 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.

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, \$ 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 to by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, 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 as 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 [Signature] 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.



AMY L. TAYLOR Notary Public- State of Tennessee Davidson County My Commission Expires 01-09-16

BY [Signature] Amy L. Taylor Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of BOND SAFEGUARD INSURANCE COMPANY, A South Dakota 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 Mount Juliet, Tennessee this 16th Day of March, 2015



BY [Signature] Andrew Smith Assistant 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 hereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

Bond Safeguard INSURANCE COMPANY

12890 Lebanon Road
Mt. Juliet, TN 31722

KNOW ALL MEN BY THESE PRESENTS:

That Arbor Investments, LLC, 6626 E. 75th Street, #400, Indianapolis, IN 46250
(hereinafter called Principal), as Principal, and the BOND SAFEGUARD INSURANCE COMPANY, a corporation of the State of Illinois, with its Executive Office in Lombard, Illinois, (hereinafter called Surety), are held and firmly bound unto City of Franklin, IN, 270 Monroe Street, Franklin, IN 46131 (hereinafter called Obligee), in the full and just sum of Sixty Five Thousand Six Hundred Forty Eight and 04/100 Dollars (\$ 65,648.04). To the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 15th day of December, 20 14
WHEREAS, the Principal has entered into a certain written contract, dated the 15th day of December, A.D. 20 14, with the Obligee for

Heritage Section 5; Sanitary Sewers

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall indemnify the Obligee against any and all loss or damage directly arising by reason of the failure of the Principal to faithfully perform said contract, then this obligation shall be void; otherwise to remain in full force and effect.

This bond is executed and accepted upon the following express conditions precedent:

1. That the Obligee shall faithfully and punctually perform all the terms and conditions of said contract to be performed by the Obligee.
2. That if the Principal shall abandon said contract or be lawfully compelled by reason of a default to cease operations thereunder, the Surety shall have the right at its option to complete said contract or to sublet the completion thereof.
3. That the Obligee shall notify the Surety by registered letter, addressed and mailed to it at its Executive Office, of any breach of said contract within a reasonable time after such breach shall have come to the knowledge of the Obligee, or the Architect, or Engineer.
4. That the Surety shall not be liable for any provisions of the contract or specifications respecting guarantees of efficiency or wearing qualities, or for maintenance or repairs, not is the Surety obligated to furnish any other bond covering such provisions of the contract or specifications.
5. All suits at law or proceedings in equity to recover on this bond must be instituted within twelve months after the completion of said contract, and in any event within twelve months from the date fixed in said contract for its completion.

WITNESS

WITNESS

Arbor Investments, LLC

PRINCIPAL
By (Seal)
Curtis A. Reeder Title Pres.

BOND SAFEGUARD INSURANCE COMPANY
By
Liana M. Shelton, Attorney-in-fact

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, a South Dakota Corporation with its principal office in Sioux Falls, South Dakota, does hereby constitute and appoint: Daniel T. Touw, Liana M. Shelton, Jason D. McEldowney 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.

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, \$ 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 to by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, 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
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.



AMY L. TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 01-09-16

BY
Amy L. Taylor
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, A South Dakota 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 Mount Juliet, Tennessee this 15th Day of December, 2014



BY
Andrew Smith
Assistant 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 hereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."