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: October 27, 2023 Meeting Date: November 6, 2023

Contact Information:

Requested by: Joanna Tennell

On Behalf of Organization or Individual: | West Franklin Homes, LLC

Telephone: 317-736-3631

Email address: jtennell@franklin.in.gov

Mailing Address: 70 E. Monroe Street, Franklin, IN 46131

Describe Request:

Request the following Performance Letters of Credit and Agreements to be released and replaced with the following Maintenance Bonds to be accepted for Cumberland Trace – Sec. 2 thru 4:

PERFORMANCE LETTERS OF CREDIT AND AGREEMENTS

SECTION 2:

LOC 0155457550-7: Street Surface - \$35,280.00

SECTION 3:

LOC 0155457576-11: Street Surface - \$23,256.00

LOC 0155457576-3: Streets (binder, stone) - \$144,354.00

SECTION 4:

LOC 0155457592-12: Street surface - \$16.278.00

LOC 0155457592-3: Streets (binder, stone) - \$101,046.00

MAINTENANCE BONDS

SECTION 2:

Bond 254219: Street surface - \$7,350.00

SECTION 3:

Bond 254220: Street surface, streets (binder, stone) - \$34,918.75

SECTION 4:

Bond254221: Street surface, streets (binder, stone) - \$24,442.50

List Supporting Documentation Provided:

- 1. Performance LOCs and agreements (originals to be provided at meeting)
- 2 Maintenance bonds

Who will present the request?

Name: Joanna Tennell Telephone: 317-736-3631



Subdivision Maintenance Bond

			Bond Number Project Name	254219 Cumbe	rland Trace, S	ection 2	
			Improvements	Street Surf		0000112	
	ALL MEN DV THESE DOES	ENTO that M	le the undersign	ad			
	ALL MEN BY THESE PRES oper's Company Name <u>Wes</u>			ea,		as Princip	al
Devel	oper's Company Name <u>wes</u> oper's Company Address <u>5</u> 3	374 Cavman I	Orive			and	, cai
Surat	y Company Name Berkley Ir	surance Com	npany				
Surat	y Company Name <u>Berniey in</u> y Company Address <u>475</u> S	teamboat Ro	nd. Greenwich. C	T 06830	as	Surety are	e held and firmly
bound				ndiana,	in the	penal	•
Dounc	Seven Thousand Thre				DOLLARS,	(\$	7,350.00
for the	e payment of which we bind						
ABOV	SEALED AND DATED THE OBLIGATION ARE SUCH		OF	ctober	, 20 <u>23</u> .	THE CON	DITIONS OF THE
	WHEREAS,We		omes, LLC rland Trace, Section 2 -		nstalled and	completed	improvements o
	NOW, THEREFORE, war	rante ite work	manshin and all	materials	used in the w	ork to be in	accordance with
the	standards, specifications	and re	quirements of	the C	city of Fra	anklin. In	diana, and i
uie	West Franklin Homes,	LLC					
accen	tance by the City of Frank	din. Indiana.	shall make all r	epairs whi	ch may beco	me nécess	ary by reason o
impro	per workmanship or materia	als, then this o	bligation to be n	ull and voi	id, othérwise t	o be and re	emain in full force
and e			Ŭ				
	It is a further condition of	this bond that	if it is not releas	ed by offic	ial action of th	e Board of	Public Works and
Safety	within the stated three (3)) years from	the date of acce	ptance, su	ich term shall	automatica	ally extend for ar
addition	onal one hundred and eighty	[,] (180) day pe	riod.				
			M I Essentition I	Δ	^		
5) (Developer's Company Na		West Franklin	Homes, LL	7		
BY:	Signature for Developer's		200	Kin	7 101 201 6		9
	Signatory Name & Title (p	nntea)	mark /	T	nlembe	2/	
	Suraty Company Namo		Berkley theura	e Comps	anv) ·		
BY:	Surety Company Name Signature of Attomey-in-F	Cont	The state of the s	oce Compe	111		
DI.	Attorney-in-Fact (printed)	aut	Robert L. Sher	fick			
*****	Attorney-in-Fact (printed)	******	*******	******	******	*****	*******
Accer	oted by the Franklin Board of	Fublic Works	and Safety this	day	of	, 2	20
							_
Steve	Barnett, Board Member	Ken Aus	tin, Board Membe	e r	Tina Gross,	Board Men	nber
ATTE	ST:						
	Jayne Rhoades, Cleri						
*****	*********	******	*****	*****	*****	*****	******
Doloo	sed by the Franklin Board of	f Dublic Works	and Safety this	day	of	2	n
Relea	ised by the Franklin board of	I Fublic VVOIR	s and Galety this	uay	OI	,	
Poor	l Member	Board M	ombor		Board Memi	her	
Duard	i wenne	Doard W	CITIDEI		Dodia Molli	001	
ATTE	ST						
	Clerk-Treasurer						

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Jason McEldowney; John Hannon, III; or Robert Sherfick of Dimond Bros. Insurance, LLC of Carmel, IN its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 1st day of _ June 2023 . Berkley Insurance Company Attest: MSURANCE Hafter Ira S. Lederman 1975 lce President Executive Vice President & Secretary **OFLAWAR** STATE OF CONNECTICUT) 222 COUNTY OF FAIRFIELD Sworn to before me, a Notary Public in the State of Connecticut, this 1st day of June 2023, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President, and Secretary, and the Senior Vice President, MARIA C RUNDBAKEN NOTARY PUBLIC CONNECTICUT respectively, of Berkley Insurance Company. COMMISSION EXPIRES Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney, that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

1975 DELAWARD

winder my hand and seal of the Company, this 3rd day of October

Vincent P. Forte



Subdivision Maintenance Bond

Bond Number

		Project Name	Cumberland Trace, Section 3
		Improvements	Street Surface, Streets (Binder, Stone)
ALOW.	ALL BACKLOV THESE DOCSEN	TC that Wa the undersigne	d
NOVV	ALL MEN BY THESE PRESEN oper's Company Name West F	rs, that we, the undersighe ranklin Homes TTC	u, as Principal
Devel	oper's Company Address <u>537</u> 4	Cayman Drive	and
Suret	/ Company Name Berkley Insu	rance Company	
Suret	Company Address 475 Stea	mboat Road, Greenwich, C	T 06830 as Surety are held and firmly
bound		of Franklin, Ir	ndiana, in the penal sum of
	Thirty Four Thousand Nine I		
for the	payment of which we bind our	selves, our heirs, executors,	administrators and assigns.
	OF ALED AND DATED THO	2rd DAY OF 00	tober, 20_23 . THE CONDITIONS OF THE
A DOV	SEALED AND DATED THIS E OBLIGATION ARE SUCH T		tober, 20_23 THE CONDITIONS OF THE
ABOV	E OBLIGATION ARE SUCH T	nat.	
	WHEREAS. West	Franklin Homes, LLC	has installed and completed improvements of
	Cur	nberland Trace, Section 3 - Street Surfac	e, Streets (Binder, Stone)
	NOW, THEREFORE, warrar	nts 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 it
	vvest Franklin Homes, LL	, at its own exp	ense for a period of three (3) years from the date of epairs which may become necessary by reason of
accep	nor workmanshin or materials	then this obligation to be n	ull and void, otherwise to be and remain in full force
and e		then this obligation to be in	an and void, otherwise to be and remain in rain level
and C	medi.		
	It is a further condition of this	s bond that if it is not release	ed by official action of the Board of Public Works and
			otance, such term shall automatically extend for an
additio	onal one hundred and eighty (1	80) day period.	
	Davidanaria Campany Name	e (printed) West Franklin	Mmes IIC
BY:	Developer's Company Name Signature for Developer's Co		
ы.	Signatory Name & Title (prin		ALT
	digitatory warne a ride (prin		
	Surety Company Name	Berkley Insuran	ce Company *
BY:	Signature of Attorney-in-Fac	1 Va	
	Attorney-in-Fact (printed)	Robert L. Shed	ick
*****	***********	******	***************
Accep	oted by the Franklin Board of Po	ublic Works and Safety this ₋	day of, 20
Ctovo	Parnett Poord Mamber	Ken Austin, Board Membe	Tina Gross, Board Member
Sieve	Barnett, Board Member	Keri Austiri, Board Merribe	rina Gross, Board Wernber
ATTE	CT.		
AIIE	Jayne Rhoades, Clerk-T	reasurer	 8
*****			**************
Relea	sed by the Franklin Board of P	ublic vvorks and Safety this	day of 20
Board	l Member	Board Member	Board Member
200,0			
ATTE			
	Clerk-Treasurer		

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Jason McEldowney; John Hannon, III; or Robert Sherfick of Dimond Bros. Insurance, LLC of Carmel, IN its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 1st day of June Berkley Insurance Company Attest MSURANCE M. Hafter Ira S. Lederman 1975 Vice President Executive Vice President & Secretary DELAWARE STATE OF CONNECTICUT)) ss: COUNTY OF FAIRFIELD Sworn to before me, a Notary Public in the State of Connecticut, this 1st day of June 2023, by Ira S. Lederman and Jeffrey M. Hafter who are swom to me to be the Executive Vice President, and Secretary, and the Senior Vice President, MARIA C RUNDBAKEN NOTARY PUBLIC CONNECTICUT respectively, of Berkley Insurance Company. COMMISSION EXPINES Notary Public, State of Connecticut APHIL 30, 2024

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Chertain and seal of the Company, this 3rd day of Octobe

SFAL 1975 OFLAWARE

Vincent P. Forte



Subdivision Maintenance Bond

		Bond Number	254221	
		Project Name	Cumberland Trace,	
		Improvements	Street Surface, Streets (Bin	ider, Stone)
NOW	ALL MEN BY THESE PRESENTS,	that We the undersigne	d	
Dovel	oper's Company Name West Frank	lin Homes, LLC	ω,	as Principal
Devel	oper's Company Address 5374 Ca	man Drive		and
Suret	Company Name Berkley Insurance	e Company		
Suret	Company Address 475 Steambo	oat Road, Greenwich, C	Г 06830	as Surety are held and firmly
bound		of Franklin, Ir		ne penal sum of
	Twenty Four Thousand Four Hund	red Forty Two and 50/10	00 DOLLARS	, (\$)
for the	e payment of which we bind ourselv	es, our heirs, executors,	administrators and as	ssigns.
ABOV	SEALED AND DATED THIS <u>3rd</u> /E OBLIGATION ARE SUCH THAT	L DAY OFOc	tober, 20 <u>_23</u>	3 THE CONDITIONS OF THE
		nklin Homes, LLC nd Trace, Section 4 - Street Surfac		d completed improvements or
the accep impro	West Franklin Homes, LLC stance by the City of Franklin, Incoper workmanship or materials, ther	d requirements of , at its own exp liana, shall make all re	the City of lense for a period of the pairs which may be	Franklin, Indiana, and it hree (3) years from the date of come necessary by reason of
addition				
	Signatory Name & Title (printed)			
BY:	Surety Company Name Signature of Attorney-in-Fact	Berkley Insuran		
******	Attorney-in-Fact (printed)		*******	**********
Accep	oted by the Franklin Board of Public	Works and Safety this _	day of	, 2Û
Steve	Barnett, Board Member Ke	en Austin, Board Membe	r Tina Gros	ss, Board Member
ATTE	ST:			
	Jayne Rhoades, Clerk-Treas	urer		
*****	*********	*********	*******	*********
Relea	ased by the Franklin Board of Public	Works and Safety this	day of	, 20
Board	d Member Bo	pard Member	Board Me	ember
ATTE				
	Clerk-Treasurer			

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Jason McEldowney; John Hannon, III; or Robert Sherfick of Dimond Bros. Insurance, LLC of Carmel, IN its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 1st day of June Berkley Insurance Company Attest MSURANCE PRPOR4 Ву 4. Hafter Ira'S. Lederman 1975 President Executive Vice President & Secretary **GELAWAR** STATE OF CONNECTICUT)) ss: COUNTY OF FAIRFIELD Sworn to before me, a Notary Public in the State of Connecticut, this 1st day of June 2023, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President, and Secretary, and the Senior Vice President, MARIA C RUNDBAKEN NOTARY PUBLIC CONNECTICUT IY COMMISSION EXPIRES respectively, of Berkley Insurance Company. Notary Public, State of Connecticut APRIL 30, 2024

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of If attached, is in full force and effect as of this date.

under my hand and seal of the Company, this 3rd day of October

1475 DELAWARK

Vincent P. Forte