

**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.*

<b>Date Submitted:</b>	March 9, 2021	<b>Meeting Date:</b>	March 15, 2021
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers		
<b>On Behalf of Organization or Individual:</b> GDI Construction Corp.			
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jmyers@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe Street, Franklin, IN 46131		
<b>Describe Request:</b>			
Approval and acceptance of Subdivision Performance Bonds and Secondary Plat for I-65 South Logistics Center.			
Performance Bond # NIN2061: Earthwork, erosion control & sanitary sewers - \$151,748.40 Performance Bond # NIN2062: Streets - \$82,269.00			
<b>List Supporting Documentation Provided:</b>			
1. Subdivision Performance Bonds			
2. Original plat – to be provided at meeting			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Myers	<b>Telephone:</b>	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.*

**MERCHANTS**  
**Subdivision Performance Bond**

Bond Number      NIN2061  
Project Name      I-65 South Logistics Center  
Improvements     Earthwork, Erosion Control, and Sanitary Sewers

KNOW ALL MEN BY THESE PRESENTS, that We, the undersigned,

*Developer's Company Name* GDI Construction Corp. as Principal

*Developer's Company Address* 9775 Crosspoint Boulevard, Suite 105, Indianapolis, IN 46256 and

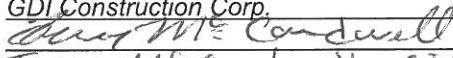
*Surety Company Name* Merchants National Bonding, Inc.

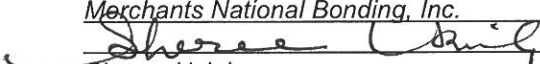
*Surety Company Address* 6700 Westown Parkway, West Des Moines, IA 50306-7754 as Surety are held and firmly bound unto the City of Franklin, Indiana, in the penal sum of One Hundred Fifty-one Thousand Seven Hundred Forty-eight And 40/100 DOLLARS, \$151,748.40 for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 26th DAY OF February, 2021. THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, I-65 South Logistics Center - Earthwork, Erosion Control, and Sanitary Sewers have not been improved as required by the regulations and procedures of the City of Franklin, Indiana.

NOW, THEREFORE, if said GDI Construction Corp. shall construct said I-65 South Logistics Center - Earthwork, Erosion Control, and Sanitary Sewers according to specifications and regulations of the City of Franklin, Indiana, and comply with all the provisions of the ordinances, rules and regulations of the City of Franklin, Indiana, in relation to the mode, manner or form in which said work shall be done, and shall pay and save the City of Franklin, Indiana, against loss of damage which may arise by reason of delay in completion of said work, by reason of the manner in which said work is done or the quality of the materials furnished being in violation of the requirements of any law of the State of Indiana, or any ordinance of the City of Franklin, Indiana, controlling such work, then this obligation to be void; otherwise to be and remain in full force and effect. This performance bond shall be and remain in full force and effect until such time it is officially released by the Board of Public Works and Safety, City of Franklin, Indiana.

BY: *Developer's Company Name (printed)* GDI Construction Corp.  
*Signature for Developer's Company*   
*Signatory Name & Title (printed)* Terry McCardwell, CEO

BY: *Surety Company Name* Merchants National Bonding, Inc.  
*Signature of Attorney-in-Fact*   
*Attorney-in-Fact (printed)* Sheree Hsieh

\*\*\*\*\*  
Accepted by the Franklin Board of Public Works and Safety this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Steve Barnett, Board Member

\_\_\_\_\_  
Melissa L. Jones, Board Member

\_\_\_\_\_  
Bob Swinehamer, Board Member

ATTEST:

\_\_\_\_\_  
Jayne Rhoades, 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

**MERCHANTS**  
**BONDING COMPANY**<sup>TM</sup>  
**POWER OF ATTORNEY**

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Brenda Johnston; Cindy Stellhorn; Cynthia L Jenkins; Edward L Mournighan; Ginger J Krahn; Michael H Bill; Michael M Bill; Mike Marsella; Sheree Hsieh

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 28th day of April, 2017.



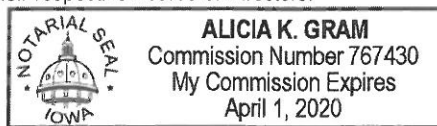
MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By

*Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this this 28th day of April, 2017, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



*Alicia K. Gram*

Notary Public

(Expiration of notary's commission  
does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 26th day of February, 2021.



*William Warner Jr.*  
Secretary



**Subdivision Performance Bond**

Bond Number	<u>NIN2062</u>
Project Name	<u>I-65 South Logistics Center</u>
Improvements	<u>Streets</u>

KNOW ALL MEN BY THESE PRESENTS, that We, the undersigned,

*Developer's Company Name* GDI Construction Corp. as Principal

*Developer's Company Address* 9775 Crosspoint Boulevard, Suite 105, Indianapolis, IN 46256 and

*Surety Company Name* Merchants National Bonding, Inc.

*Surety Company Address* 6700 Westown Parkway, West Des Moines, IA 50306-7754 as Surety are held and firmly bound unto the City of Franklin, Indiana, in the penal sum of Eighty-two Thousand Two Hundred Sixty-nine And No/100 DOLLARS, \$82,269.00 for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 26th DAY OF February, 2021. THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, I-65 South Logistics Center - Streets have not been improved as required by the regulations and procedures of the City of Franklin, Indiana.

NOW, THEREFORE, if said GDI Construction Corp. shall construct said I-65 South Logistics Center - Streets according to specifications and regulations of the City of Franklin, Indiana, and comply with all the provisions of the ordinances, rules and regulations of the City of Franklin, Indiana, in relation to the mode, manner or form in which said work shall be done, and shall pay and save the City of Franklin, Indiana, against loss of damage which may arise by reason of delay in completion of said work, by reason of the manner in which said work is done or the quality of the materials furnished being in violation of the requirements of any law of the State of Indiana, or any ordinance of the City of Franklin, Indiana, controlling such work, then this obligation to be void; otherwise to be and remain in full force and effect. This performance bond shall be and remain in full force and effect until such time it is officially released by the Board of Public Works and Safety, City of Franklin, Indiana.

	<i>Developer's Company Name (printed)</i>	<u>GDI Construction Corp.</u>
BY:	<i>Signature for Developer's Company</i>	<u></u>
	<i>Signatory Name &amp; Title (printed)</i>	<u>Terry McCardwell</u>

	<i>Surety Company Name</i>	<u>Merchants National Bonding, Inc.</u>
BY:	<i>Signature of Attorney-in-Fact</i>	<u></u>
	<i>Attorney-in-Fact (printed)</i>	<u>Sheree Hsieh</u>

\*\*\*\*\*

Accepted by the Franklin Board of Public Works and Safety this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
*Steve Barnett, Board Member*

\_\_\_\_\_  
*Melissa L. Jones, Board Member*

\_\_\_\_\_  
*Bob Swinehamer, Board Member*

ATTEST: \_\_\_\_\_  
*Jayne Rhoades, 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*

**MERCHANTS**  
**BONDING COMPANY**<sup>TM</sup>  
**POWER OF ATTORNEY**

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Brenda Johnston; Cindy Stellhorn; Cynthia L Jenkins; Edward L Mournighan; Elexis B Richards; Ginger J Krahn; Michael H Bill; Michael M Bill; Mike Marsella; Sheree Hsieh

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 4th day of August, 2020.



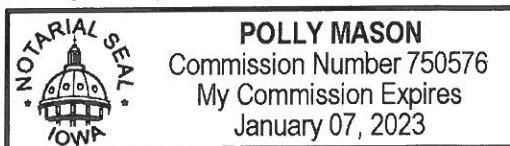
MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By

*Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this 4th day of August, 2020, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



*Polly Mason*

Notary Public

(Expiration of notary's commission  
does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 26th day of February, 2021.



*William Warner Jr.*

Secretary