

**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>	October 27, 2023	<b>Meeting Date:</b>	November 6, 2023
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Tennell		
<b>On Behalf of Organization or Individual:</b>	West Franklin Homes, LLC		
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jtennell@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe Street, Franklin, IN 46131		
<b>Describe Request:</b>			
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:			
<u>PERFORMANCE LETTERS OF CREDIT AND AGREEMENTS</u>			
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			
<u>MAINTENANCE BONDS</u>			
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			
<b>List Supporting Documentation Provided:</b>			
1. Performance LOCs and agreements (originals to be provided at meeting)			
2. Maintenance bonds			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Tennell	<b>Telephone:</b>	317-736-3631



## Subdivision Maintenance Bond

Bond Number 254219  
Project Name Cumberland Trace, Section 2  
Improvements Street Surface

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

Developer's Company Name West Franklin Homes, LLC as Principal  
Developer's Company Address 5374 Cayman Drive and  
Surety Company Name Berkley Insurance Company  
Surety Company Address 475 Steamboat Road, Greenwich, CT 06830 as Surety are held and firmly  
bound unto the City of Franklin, Indiana, in the penal sum of  
Seven Thousand Three Hundred Fifty and No/100 DOLLARS, (\$ 7,350.00)  
for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 3rd DAY OF October, 2023. THE CONDITIONS OF THE  
ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, West Franklin Homes, LLC has installed and completed improvements of  
Cumberland Trace, Section 2 - Street Surface

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  
West Franklin Homes, 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: Developer's Company Name (printed) West Franklin Homes, LLC  
Signature for Developer's Company [Signature]  
Signatory Name & Title (printed) Mark Alt member  
BY: Surety Company Name Berkley Insurance Company  
Signature of Attorney-in-Fact [Signature]  
Attorney-in-Fact (printed) Robert L. Sherfick

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

Steve Barnett, Board Member Ken Austin, Board Member Tina Gross, 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

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.



Attest:

By

*Ira S. Lederman*  
Ira S. Lederman  
Executive Vice President & Secretary

Berkley Insurance Company

By

*Jeffrey M. Hafter*  
Jeffrey M. Hafter  
Senior Vice President

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, respectively, of Berkley Insurance Company.

MARIA C RUNDBAKEN  
NOTARY PUBLIC  
CONNECTICUT  
MY COMMISSION EXPIRES  
APRIL 30, 2024

*Maria C. Rundbaken*  
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.

under my hand and seal of the Company, this 3rd day of October, 2023.



*Vincent P. Forte*  
Vincent P. Forte



## Subdivision Maintenance Bond

Bond Number 254220  
 Project Name Cumberland Trace, Section 3  
 Improvements Street Surface, Streets (Binder, Stone)

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

Developer's Company Name West Franklin Homes, LLC as Principal  
 Developer's Company Address 5374 Cayman Drive and  
 Surety Company Name Berkley Insurance Company  
 Surety Company Address 475 Steamboat Road, Greenwich, CT 06830 as Surety are held and firmly  
 bound unto the City of Franklin, Indiana, in the penal sum of  
Thirty Four Thousand Nine Hundred Eighteen and 75/100 DOLLARS, (\$ 34,918.75)  
 for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 3rd DAY OF October, 2023. THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, West Franklin Homes, LLC has installed and completed improvements of  
Cumberland Trace, Section 3 - Street Surface, Streets (Binder, Stone)

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 West Franklin Homes, 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: Developer's Company Name (printed) West Franklin Homes, LLC  
 Signature for Developer's Company [Signature]  
 Signatory Name & Title (printed) Mark ALT

BY: Surety Company Name Berkley Insurance Company  
 Signature of Attorney-in-Fact [Signature]  
 Attorney-in-Fact (printed) Robert L. Sherfick

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

Steve Barnett, Board Member Ken Austin, Board Member Tina Gross, 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

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.



Attest:

By

*Ira S. Lederman*  
 Ira S. Lederman  
 Executive Vice President & Secretary

Berkley Insurance Company

By

*Jeffrey M. Hafter*  
 Jeffrey M. Hafter  
 Senior Vice President

STATE OF CONNECTICUT )

COUNTY OF FAIRFIELD )

) ss:

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, respectively, of Berkley Insurance Company.

MARIA C RUNDBAKEN  
 NOTARY PUBLIC  
 CONNECTICUT  
 MY COMMISSION EXPIRES  
 APRIL 30, 2024

*Maria C. Rundbaker*  
 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.



Witness my hand and seal of the Company, this 3rd day of October, 2023.

*Vincent P. Forte*  
 Vincent P. Forte



## Subdivision Maintenance Bond

Bond Number 254221  
 Project Name Cumberland Trace, Section 4  
 Improvements Street Surface, Streets (Binder, Stone)

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

Developer's Company Name West Franklin Homes, LLC as Principal  
 Developer's Company Address 5374 Cayman Drive and  
 Surety Company Name Berkley Insurance Company  
 Surety Company Address 475 Steamboat Road, Greenwich, CT 06830 as Surety are held and firmly  
 bound unto the City of Franklin, Indiana, in the penal sum of  
Twenty Four Thousand Four Hundred Forty Two and 50/100 DOLLARS, (\$ 24,442.50)  
 for the payment of which we bind ourselves, our heirs, executors, administrators and assigns.

SEALED AND DATED THIS 3rd DAY OF October, 2023. THE CONDITIONS OF THE  
 ABOVE OBLIGATION ARE SUCH THAT:

WHEREAS, West Franklin Homes, LLC has installed and completed improvements of  
Cumberland Trace, Section 4 - Street Surface, Streets (Binder, Stone)

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  
West Franklin Homes, 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: Developer's Company Name (printed) West Franklin Homes, LLC  
 Signature for Developer's Company \_\_\_\_\_  
 Signatory Name & Title (printed) \_\_\_\_\_

BY: Surety Company Name Berkley Insurance Company  
 Signature of Attorney-in-Fact \_\_\_\_\_  
 Attorney-in-Fact (printed) Robert L. Sherfick

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

Steve Barnett, Board Member Ken Austin, Board Member Tina Gross, 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

POWER OF ATTORNEY  
**BERKLEY INSURANCE COMPANY**  
 WILMINGTON, DELAWARE

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**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.



Attest:

By

Ira S. Lederman  
 Executive Vice President & Secretary

Berkley Insurance Company

By

Jeffrey M. Hafter  
 Senior Vice President

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, respectively, of Berkley Insurance Company.

MARIA C RUNDBAKEN  
 NOTARY PUBLIC  
 CONNECTICUT  
 MY COMMISSION EXPIRES  
 APRIL 30, 2024

Maria C. Rundbaken  
 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.



GIVEN under my hand and seal of the Company, this 3rd day of October, 2023.

Vincent P. Forte  
 Vincent P. Forte