

MAY 24 2021

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

Submission Deadline - Tuesday, 12:00 PM before Court Dates

**SUBMITTED BY:** David Disheroon      **TODAY'S DATE:** 05/18/2021

**DEPARTMENT:**      Public Works

**SIGNATURE OF DEPARTMENT HEAD:**      \_\_\_\_\_

**REQUESTED AGENDA DATE:**      05/24/2021

**SPECIFIC AGENDA WORDING:**

Consideration of Approval of Construction Bond Number LFB5935794 from The Lanzara Group LLC. for the sum of \$391,000.00, secured by Old Republic Surety Company, for the Construction of Roads, Streets, Drainage, and Signage for Lanzara Estates, in Precinct #1- Public Works Department

**PERSON(S) TO PRESENT ITEM:** David Disheroon

**SUPPORT MATERIAL:** (Must enclose supporting documentation)

<b>TIME:</b> 10 minutes	<b>ACTION ITEM:</b> <u> X </u>
	<b>WORKSHOP:</b> _____
(Anticipated number of minutes needed to discuss item)	<b>CONSENT:</b> _____
	<b>EXECUTIVE:</b> _____

**STAFF NOTICE:**

COUNTY ATTORNEY: <u> X </u>	IT DEPARTMENT: _____
AUDITOR: _____	PURCHASING DEPARTMENT: _____
PERSONNEL: _____	PUBLIC WORKS: <u> X </u>
BUDGET COORDINATOR: _____	OTHER: _____

\*\*\*\*\*This Section to be Completed by County Judge's Office\*\*\*\*\*

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

COURT MEMBER APPROVAL \_\_\_\_\_ Date \_\_\_\_\_

**CONSTRUCTION BOND**

STATE OF TEXAS §  
COUNTY OF JOHNSON §



**KNOW ALL MEN BY THESE PRESENTS:**

THAT we, The Lanzara Group, LLC , as Principal, and Old Republic Surety Company, as Surety, whose address is, 2201 E. Lamar Blvd, Unit 260, Arlington, TX 76008 are held and firmly bound unto the County of Johnson, State of Texas (Johnson County), as Obligee, through its **County Judge Roger Harmon**, or his successor in office, in the sum of Three hundred & ninety one thousand and 00/100 (\$391,000.00), for the payment of which well and truly be made, we bind ourselves, and each of us, our heirs executors, administrators, successors and assigns, jointly and severally, by these presents.

WHEREAS, the said Principal desires to sub-divide and plat a certain tract of land located outside the limits of an incorporated city or town in Johnson County, Texas, said subdivision to be known as Lanzara Estates, more fully described as Lanzara Estates Lot 1X-3 Block 2 Lot 1-7 Block 3 Lots 1X-11 Block 4 . including 45.337 acres for signage, roads and utilities.

WHEREAS, the said Principal is required by **Section V, Financial Security**, of the *Subdivision Rules and Regulations of Johnson County, Texas Amended and Approved November 14, 2011 and as Further Amended Through January 25, 2021* and by **Section 232.004 of the Texas Local Government Code** to file a bond with the Johnson County Commissioners Court in the amount of 100% of the estimated construction cost of constructing the roads, streets, drainage and signage for the above described property in conformance with the *Subdivision Rules and Regulations of Johnson County, Texas Amended and Approved November 14, 2011 and as Further Amended Through January 25, 2021*, and in conformance with the plat for "Lanzara Estates" approved by the Johnson County Commissioners Court and filed in the Plat Records of Johnson County, Texas.

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH that the Principal, who owns the tract of land to be subdivided under the name of "Lanzara Estates " must construct the roads, streets, drainage and signage for such subdivision in conformance with the specifications contained in the *Subdivision Rules and Regulations of Johnson County, Texas Amended and Approved November 14, 2011 and as Further Amended Through January 25, 2021*, and in conformance with the plat approved for said subdivision by the Johnson County Commissioners Court.

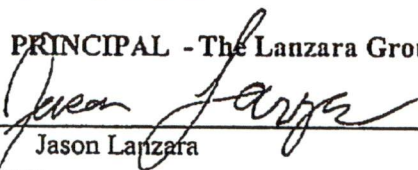
Principal, who owns the tract of land to be subdivided under the name of " Lanzara Estates " ust construct the roads, streets, drainage and signage for such subdivision by 12/31/2021 (date). If such roads, streets, drainage and signage are not constructed by \_\_\_\_\_12/31/2021\_\_\_\_\_ (date), then upon delivery of written notification and reasonable evidence to Surety that such roads, streets, drainage and signage have not been constructed according to the conditions described above, then such proceeds of this bond as are reasonably necessary to construct or complete the construction of the roads, streets, drainage and signage as described in the plat filed in the Plat Records of Johnson County depicting "Lanzara Estates" shall be payable to **County Judge Roger Harmon** or his successor in office, for Johnson County, Texas . Venue for all actions arising under, pursuant, or in relation to this bond shall be in the District Courts of Johnson County, Texas.

This bond shall remain in full force and in effect until all the roads, streets, drainage and signage requirements in and for such subdivision have been constructed and completed by the Principal and approved by the Johnson County Public Works Department and the Commissioners Court, and until this Construction Bond has been released by a Court Order from the Johnson County Commissioners Court.

No right of action shall accrue on this bond to or for the future use of any person or corporation other than the Commissioners Court of Johnson County, Texas herein named or successors of said Commissioners Court.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals this 23<sup>rd</sup> day of April, 2021.

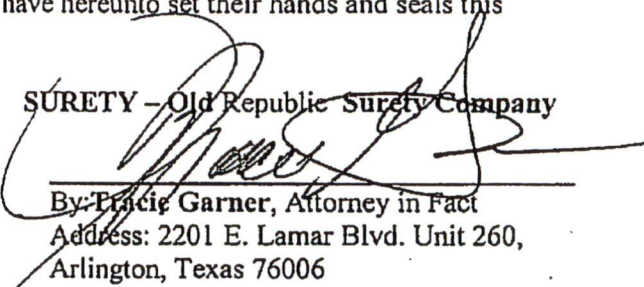
PRINCIPAL - The Lanzara Group, LLC

By:   
Jason Lanzara

Address:

12735 FM 4  
Godley, Texas 76044

SURETY - Old Republic Surety Company

By:   
Francie Garner, Attorney in Fact

Address: 2201 E. Lamar Blvd. Unit 260,  
Arlington, Texas 76006


**OLD REPUBLIC SURETY COMPANY**

**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

NATALIE MCCALMENT, CHRIS L. HOLT, JIM H. BARR, D.F. (TREY) DACY, PAULA C. JONES, TRACIE GARNER, RHONDA R. WELLS, OF ARLINGTON, TX

its true and lawful Attorney(s)-in-Fact, with full power and authority, for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

**ALL WRITTEN INSTRUMENTS**

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president, or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER, 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 there of 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 affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 22ND day of JULY, 2020.

OLD REPUBLIC SURETY COMPANY

Karen J. Haffner

Assistant Secretary



Alan Paylic

President

STATE OF WISCONSIN, COUNTY OF WAUKESHA-SS

On this 22ND day of JULY, 2020

, personally came before me, Alan Paylic and

Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Kathryn R. Pearson  
Notary Public

My commission expires: 9/28/2022

**CERTIFICATE**

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

89-1537



Signed and sealed at the City of Brookfield, WI this 23 day of April, 2021.

Karen J. Haffner

Assistant Secretary

INSURICA DFB INS SERVICES LLC