



# JOHNSON COUNTY COMMISSIONERS COURT

MAR 26 2024

April Long  
County Clerk, Johnson County Texas  
BY Ante DEPUTY

Christopher Boedeker  
County Judge

Rick Bailey  
Commissioner  
Precinct 1

Kenny Howell  
Commissioner  
Precinct 2

Mike White  
Commissioner  
Precinct 3

Larry Woolley  
Commissioner  
Precinct 4

THE STATE OF TEXAS  
  
COUNTY OF JOHNSON

§  
§  
§

ORDER 2024-29

**ORDER RELEASING CONSTRUCTION BOND NUMBER 612401537 FROM DOUBLE DIAMOND DELAWARE, INC. FOR THE SUM OF \$157,000.00, SECURED BY UNITED STATES FIRE INSURANCE COMPANY, FOR THE CONSTRUCTION OF ROADS, STREETS, DRAINAGE, AND SIGNAGE FOR THE RETREAT, PHASE 27 TXDOT IMPROVEMENTS (REQUIRED TURN LANES ON FM 916), IN PRECINCT 1**

The Johnson County Commissioners Court met on March 25, 2024 in regular session for the consideration of the release of CONSTRUCTION BOND NUMBER 612401537 from Double Diamond Delaware, Inc. for the sum of \$157,000.00, secured by United States Fire Insurance Company, for the construction of roads, streets, drainage, and signage for The Retreat, Phase 27 TxDOT Improvements (required turn lanes on FM 916), in Precinct 1.

A motion was made by Commissioner Bailey, Pct. 1 and seconded by Commissioner White, Pct. 3 that: "The Commissioners Court find that construction of roads, streets, drainage, and signage in The Retreat, Phase 27 TxDOT Improvements (required turn lanes on FM 916), in Precinct 1, has been completed as set forth in the subdivision plat and associated construction drawings and documents submitted to the County at or prior to the approval of the subdivision and the CONSTRUCTION BOND NUMBER 612401537 secured by United States Fire Insurance Company, securing such construction should be released."

Said motion was approved by a vote of the Commissioners Court on the 25<sup>th</sup> day of March, 2024.

**NOW THEREFORE BE IT RESOLVED AND ORDERED:**

The Commissioners Court of Johnson County, Texas does hereby enter this Order to release CONSTRUCTION BOND NUMBER 612401537 securing the construction of roads, streets, drainage, and signage in The Retreat, Phase 27 TxDOT Improvements (required turn lanes on FM 916), in Precinct 1, and the obligations of United States Fire Insurance Company, related thereto.

**WITNESS OUR HAND THIS THE 25<sup>TH</sup> DAY OF MARCH 2024.**

*Christopher Boedeker*

**Christopher Boedeker, Johnson County Judge**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Rick Bailey*

**Rick Bailey, Comm. Pct. 1**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Kenny Howell*

**Kenny Howell, Comm. Pct. 2**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Mike White*

**Mike White, Comm. Pct. 3**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Larry Woolley*

**Larry Woolley, Comm. Pct. 4**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*April Long*

**ATTEST: April Long, County Clerk**



## CONSTRUCTION BOND

STATE OF TEXAS §  
COUNTY OF JOHNSON §

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Double Diamond Delaware, Inc., as Principal, and United States Fire Insurance Company., as Surety, whose address is 305 Madison Ave., Morristown, NJ 07960, are held and firmly bound unto the County of Johnson, State of Texas (Johnson County), as Obligee, through its County Judge Christopher Boedeker, or his successor in office, in the sum of One Hundred Fifty-Seven Thousand & 00/100 - Dollars (\$157,000.00), 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 construct specific Tx DOT required improvements in or adjacent to a subdivision to be platted and known as The Retreat, Phase 27 being a certain tract of land located outside the limits of an incorporated city or town in Johnson County, Texas, and said project being known as "The Retreat, Phase 27 TxDOT Improvements" (being turn lanes on FM 916).

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 23, 2023* 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 23, 2023*, and in conformance with the plat for Retreat, Phase 27 TxDOT Improvements 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 and improved under the name of "The Retreat, Phase 27" must construct the roads, streets, drainage and signage for "The Retreat, Phase 27 TxDOT Improvements (and the turn lanes on FM 916) 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 23, 2023*, 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 "The Retreat, Phase 27" must construct the roads, streets, drainage and signage for such subdivision by August 14, 2024. If such roads, streets, drainage and signage are not constructed by August 14, 2024, 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 "The Retreat, Phase 27 and the TxDOT Improvements (being turn lanes on FM 916) shall be payable to County Judge Christopher Boedeker 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.

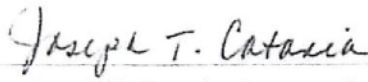
No right of action shall accrue on this bond to or for the future use of any person or corporation other than the Commissioners Court of Johnson County, Texas herein named or successors of said Commissioners Court.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals this

31<sup>st</sup> day of July, 2023

PRINCIPAL Double Diamond Delaware, Inc. SURETY — United States Fire Insurance Company

  
By: Douglas B. Leach, SVP/CO  
Address: 12720 HULLCREEK  
OKLAHOMA CITY, TX 73130

  
By: Joseph T. Catania, Attorney-in-Fact  
Address: 707 Philadelphia Pike  
Wilmington, DE 19809

POWER OF ATTORNEY  
UNITED STATES FIRE INSURANCE COMPANY  
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint: Richard G. Anderson; Mary Lawrence; Joseph T. Catania; Brent Headley; Gina M. Semonelle; Denise A. Medlar; Christopher R. Smith

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **One Hundred Twenty Five Million Eight Hundred Thousand Dollars (\$125,800,000)**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

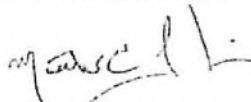
Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

- (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
- (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation 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 Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 28th day of September, 2021.

UNITED STATES FIRE INSURANCE COMPANY

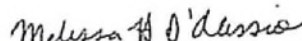
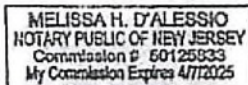


Matthew E. Lubin, President



State of New Jersey }  
County of Morris }

On this 28th day of September, 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

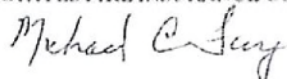


Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the <sup>31<sup>st</sup></sup> day of July 2023

UNITED STATES FIRE INSURANCE COMPANY



Michael C. Fay, Senior Vice President



\*For verification of the authenticity of the Power of Attorney, please email: [SuretyInquiries@amvntgroup.com](mailto:SuretyInquiries@amvntgroup.com)

**AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: March 18, 2024

Meeting Date: March 25, 2024

Submitted By: Julie Edmiston

Department: Public Works

Signature of Elected Official/Department Head:

J VanderLaan

<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>

<b>March 25, 2024</b>

**Description:**

Consideration of Order 2024-29 Releasing Construction Bond Number 612401537 From Double Diamond Delaware Inc. for the sum fo \$157,000.00, Secured by Untied States Fire Insurance Company for the Construction of Roads, Streets, Drainage, and Signage for The Retreat, Phase 27 TxDot Improvements (required Turn lanes of FM 916) in Precinct 1.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(May attach additional sheets if necessary)

Person to Present: Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one)     PUBLIC     CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: (check one)

Action Item     Consent     Workshop     Executive     Other \_\_\_\_\_

Check All Departments That Have Been Notified:

- County Attorney     IT     Purchasing     Auditor
- Personnel     Public Works     Facilities Management

Other Department/Official (list) \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents In Your Submission Email**