

**AGENDA ITEM REQUEST FORM**

**Hays County Commissioners Court**

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

**AGENDA ITEM**

Discussion and possible action to consider the acceptance of road construction and drainage improvements and acceptance of the maintenance bond for two years for the Meadows at Buda subdivision, Section 3B.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-ROADS	March 26, 2013	

**LINE ITEM NUMBER**

**AUDITOR USE ONLY**

**AUDITOR COMMENTS:**

PURCHASING GUIDELINES FOLLOWED: N/A                      AUDITOR REVIEW: N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Jerry Borcharding	JONES	N/A

**SUMMARY**

Staff recommends acceptance of construction of roads and drainage improvements within the County ROW. The Road Department has inspected and approved the improvements. The maintenance bond is in the amount of \$480,303.40.

**HAYS COUNTY  
TRANSPORTATION DEPARTMENT**



P.O. BOX 906  
San Marcos, TX 78667

512/393-7385  
FAX: 512/393-7393

March 12, 2013

Honorable Bert Cobb, M.D.  
111 E. San Antonio Street  
San Marcos, Texas 78666

RE: Meadows at Buda subdivision, Section 3B

Dear Commissioners and Judge:

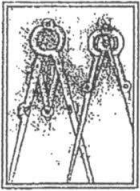
Gray & Associates, Inc., at the request of NewStand Buda, Ltd., is requesting that Hays County accept construction of roads in the Meadows at Buda subdivision, Section 3B as well as the acceptance of the maintenance bond for two years in the amount of \$480,303.40. Donald K. Bayes, P.E. has submitted a concurrence letter and as-built plans as required by Hays County.

I recommend that the maintenance bond be accepted.

Respectfully,

A handwritten signature in cursive script that reads "Jerry Borcharding".

Jerry Borcharding, P.E.  
Director  
Hays County Transportation



GRAY & ASSOCIATES, INC.

March 5, 2013

Via Email [grant@ggist.com](mailto:grant@ggist.com) & U.S. Mail

Mr. Grant Gist  
NewStand Buda, Ltd.  
P.O. Box 42169  
Austin, TX 78704

**Re: The Meadows at Buda Section 3B  
Street Improvements  
Engineer's Concurrence Letter  
GAI No: 1569-10517-34**

Dear Mr. Gist:

Please find the attached Engineer's Concurrence Letter for Meadows at Buda Section 3B  
– Street Improvements.

If you have any questions, please do not hesitate to contact me at 452-0371.

Sincerely,

**GRAY & ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "Donald K. Bayes". The signature is fluid and cursive, written over the printed name.

Donald K. Bayes, P.E.  
Director of Construction Services

DKB:LMW:ad

Attachment

cc: Mr. Peyton Taylor; DNT Construction, LLC (w/encl.)  
Mr. Michael Garringer; R.M.I. (w/encl.)  
Mr. Mike Williams; Gray & Associates, Inc. (w/encl.)

March 5, 2013

ENGINEER'S CONCURRENCE  
FOR  
PROJECT ACCEPTANCE

PROJECT: Meadows at Buda Section 3B

Street Improvements

Owner's Name and Address

Consultant Engineer's Name & Address

NewStand Buda, Ltd.

Gray & Associates, Inc.

P.O. Box 42169

8217 Shoal Creek Blvd., Suite 200

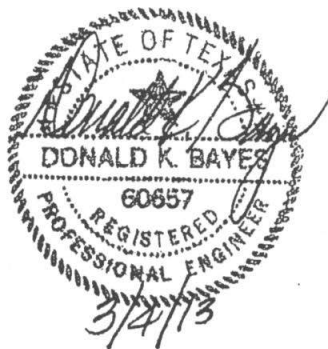
Austin, TX 78704

Austin, Texas 78757

On this day, I, the undersigned professional engineer, or my representative, met with the Project Contractor and made a visual inspection of the above-referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except those listed below. I, therefore, recommend acceptance of this project by the City of Buda and So. Buda WCID No. 1 once the following listed items are corrected to the satisfaction of the Engineer.

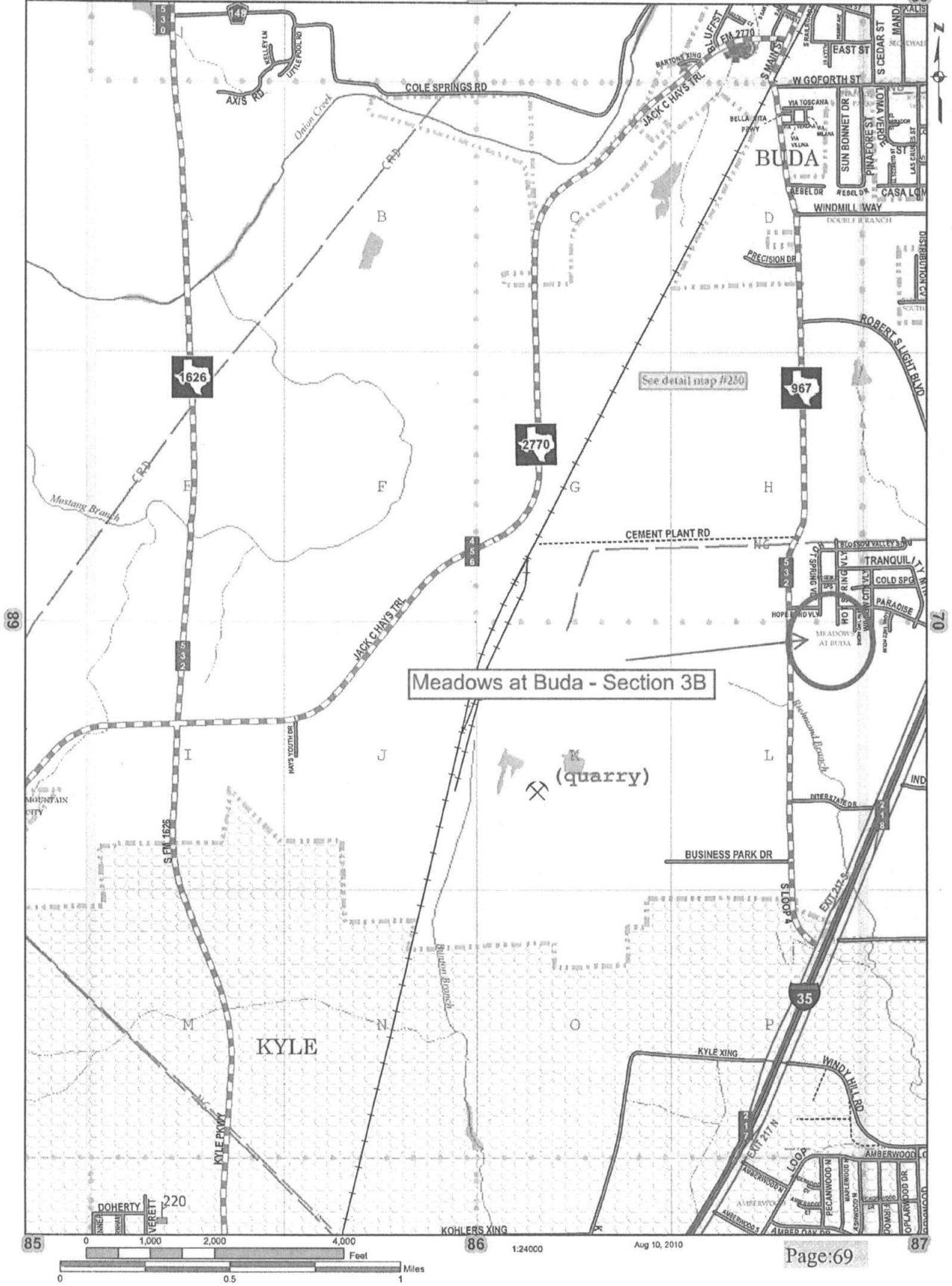
Achieve revegetation.

(Seal)



Donald K. Bayes  
Donald K. Bayes, P.E.

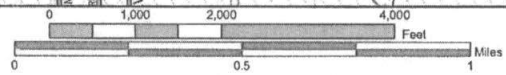
60657  
Texas Registration Number



Meadows at Buda - Section 3B

(quarry)

DOHERTY VERETT 220



1:24000 Aug 10, 2010

Hays County  
Liz Q. Gonzalez  
County Clerk  
San Marcos, Texas 78666



70 2013 13010173

Instrument Number: 2013-13010173

As

Recorded On: March 28, 2013

NO Fee-Recording #/Misc

Parties: MEADOWS AT BUDA SECTION 3B

To

Number of Pages: 7

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

NO Fee-Recording #/Misc	0.00
<b>Total Recording:</b>	<b>0.00</b>

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2013-13010173  
Receipt Number: 331991  
Recorded Date/Time: March 28, 2013 11:43:15A  
Book-Vol/Pg: BK-OPR VL-4594 PG-144  
User / Station: O Martinez - Cashing #1

**Record and Return To:**

CO CLERK  
ORIGINAL TO ROSE  
SAN MARCOS TX 78666



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

*Liz Q. Gonzalez*

Liz Q. Gonzalez, County Clerk

MAINTENANCE BOND

Bond No. 1959386

THE STATE OF TEXAS §

COUNTY OF §

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC

as Principal, and The Hanover Insurance Company a Corporation

organized under the laws of the State of New Hampshire as Surety, are held and firmly bound

unto NewStand Buda, Ltd. as Obligee, in the penal sum of Four Hundred Eighty

Thousand Three Hundred Three & 40/100's Dollars (\$ 480,303.40 ) to which payment will and truly to

be made we do bind ourselves, our and each of our heirs, executors, administrators, successors

and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has constructed The Meadows at Buda Section 3B-

Street Improvements

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for

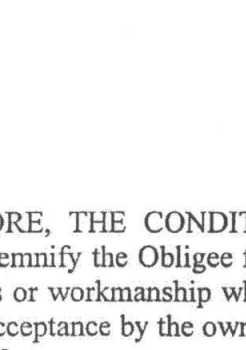
the period of two years after approval by NewStand Buda, Ltd.

against all defects in workmanship and materials which may become apparent during said

period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of one year from and after date of acceptance by the owner, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 15th day of October, 2012.

 DNT Construction, LLC  
Principal  
By *[Signature]*  
JOHN TOMME  
Title VICE PRESIDENT

The Hanover Insurance Company  
Surety  
By *[Signature]*  
Title John W. Schuler, Attorney-in-Fact

Address \_\_\_\_\_  
2300 Piccadilly Dr.  
Round Rock, TX 78664

Address \_\_\_\_\_  
10375 Richmond Ave, Ste. 1050  
Houston, TX 77042

The name and address of the Resident Agent of Surety is:

Time Insurance Agency, Inc.  
1405 E. Riverside Dr, Austin, TX 78741



Bond No. 1959386

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY  
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

John W. Schuler, Tom Mulanax and/or Stephen R. Smith

of Austin, TX and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Any such obligations in the United States, not to exceed Ten Million and No/100 (\$10,000,000) in any single instance

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 28th day of June 2012.



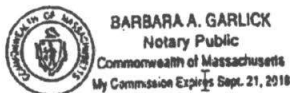
THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Robert Thomas*  
Robert Thomas, Vice President

*Joe Brenstrom*  
Joe Brenstrom, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 28th day of June 2012 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



*Barbara A. Garlick*  
Barbara A. Garlick, Notary Public  
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 15th day of Oct. 20 12.



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Glenn Margosian*  
Glenn Margosian, Vice President



The Hanover Insurance Company | 440 Lincoln Street, Worcester, MA 01653  
Citizens Insurance Company of America | 645 West Grand River Avenue, Howell, MI 48843

## Texas Complaint Notice

### IMPORTANT NOTICE

To obtain information or make a complaint:  
You may call The Hanover Insurance Company/Citizens Insurance Company of America's toll-free telephone number for information or to make a complaint at:

**1-800-608-8141**

You may also write to The Hanover Insurance Company/  
Citizens Insurance Company of America at:

440 Lincoln Street  
Worcester, MA 01615

You may contact the Texas Department of Insurance to  
obtain information on companies, coverages, rights or  
complaints at:

**1-800-252-3439**

You may write the Texas Department of Insurance:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or  
about a claim you should contact the agent or the com-  
pany first. If the dispute is not resolved, you may contact  
the Texas Department of Insurance.

**ATTACH THIS NOTICE TO YOUR POLICY:** This notice is  
for information only and does not become a part or con-  
dition of the attached document.

### AVISO IMPORTANTE

Para obtener informacion o para someter una queja:  
Usted puede llamar al numero de telefono gratis de The  
Hanover Insurance Company/Citizens Insurance Company  
of America's para informacion o para someter una queja al:

**1-800-608-8141**

Usted tambien puede escribir a The Hanover Insurance  
Company/Citizens Insurance Company of America al:

440 Lincoln Street  
Worcester, MA 01615

Puede comunicarse con el Departamento de Seguros de  
Texas para obtener informacion acerca de companias,  
coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un re-  
clamo, debe comunicarse con el agente o la compania  
primero. Si no se resuelve la disputa, puede entonces  
comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para  
proposito de informacion y no se convierte en parte o  
condicion del documento adjunto.

# The Hanover Insurance Company

## DUAL OBLIGEE RIDER

To be attached to and form a part of Maintenance bond

Bond No. 1959386 concurrently with the execution of this Rider, issued by The Hanover Insurance Company, a Texas corporation, as Surety, on behalf of DNT Construction, LLC as Principal, and in favor of NewStand Buda, Ltd.

**IT IS HEREBY UNDERSTOOD AND AGREED** that the above described bond(s) are hereby amended to include:

The name of the Obligee on the bond is hereby amended to include  
- Hays County and City of Buda  
as co-owner, and the following paragraph:

Notwithstanding anything contained herein to the contrary, there shall be no liability on the part of the Principal or Surety under this bond to the Obligees, or either of them, unless the Obligees, or either of them, shall make payments to the Principal, or to the Surety in case it arranges for completion of the contract upon default of the Principal, strictly in accordance with the terms of the Contract as to payments, and shall perform all the other obligations required to be performed under said Contract at the time and in the manner therein set forth.

Further, the Principal and Surety shall not be liable to the Obligees, or either of them, in the aggregate in excess of the penal sum stated in the attached bond.

**IT IS FURTHER UNDERSTOOD AND AGREED** that nothing herein contained shall be held to change, alter or vary the terms of the above described bond(s) except as hereinbefore set forth.

**SIGNED, SEALED AND DATED** this 25th day of February, 2013

The Hanover Insurance Company

Surety

By:

John W. Schuler,

Attorney-In-Fact



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY  
CERTIFIED COPY

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John W. Schuler, Tom Mulanax and/or Stephen R. Smith

of Austin, TX and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Any such obligations in the United States, not to exceed Ten Million and No/100 (\$10,000,000) in any single instance

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

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IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 28th day of June 2012.




THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Robert Thomas*  
Robert Thomas, Vice President

*Joe Brenstrom*  
Joe Brenstrom, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 28th day of June 2012 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

 BARBARA A. GARLICK  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Sept. 21, 2018

*Barbara A. Garlick*  
Barbara A. Garlick, Notary Public  
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

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THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Glenn Margosian*  
Glenn Margosian, Vice President

