

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 release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Belterra subdivision, Phase 5, Section 10.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-ROADS	March 5, 2013	0

LINE ITEM NUMBER

n/a

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

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

SUMMARY

The Transportation Department has inspected and recommends its acceptance for maintenance. The road segments include: Crampton Cove (744 ft.), Drury Lane (2,391 ft.), Newcastle Court (170 ft.), Sanford Lane (330 ft.), and a segment of Trinity Hills Drive (603 ft.).



70 2013 13007597

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

Instrument Number: 2013-13007597

As

Recorded On: March 07, 2013

NO Fee-Recording #/Misc

Parties: HAYS COUNTY

To BELTERRA SUBDIVISION

Number of Pages: 2

Comment:

(Parties listed above are for Clerks reference only)

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

NO Fee-Recording #/Misc	0.00
Total Recording:	0.00

***** 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: 2013-13007597
Receipt Number: 329902
Recorded Date/Time: March 07, 2013 10:58:48A
Book-Vol/Pg: BK-OPR VL-4574 PG-813
User / Station: L Curry - Cashering #1

Record and Return To:

HAYS COUNTY CLERK
ORIGINALS 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

RELEASE OF MAINTENANCE BOND

[BOND Filed Vol 4010 Pg 297]

Bk Vol Ps
13007597 OPR 4574 814



CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF MARCH A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

28818 **RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW IN BELTERRA SUBDIVISION, PHASE 5, SECTION 10**

The Transportation Department has inspected and recommends its acceptance for maintenance. The road segments include: Crampton Cove (744 ft.), Drury Lane (2,391 ft.), Newcastle Court (170 ft.), Sanford Lane (330 ft.), and a segment of Trinity Hills Drive (603 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Belterra subdivision, Phase 5, Section 10. All voting "Aye". MOTION PASSED**

THE STATE OF TEXAS
COUNTY OF HAYS

I, Liz Q. Gonzalez, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the following contains a true and correct copy of the minutes of **MARCH 5, 2013**. Under Resolution #28818 in the Commissioners' Court Minutes of Hays County, Texas:

Given under my hand and seal of office at San Marcos, Texas this the 6th day of MARCH, 2013.



LIZ Q. GONZALEZ, COUNTY CLERK AND
EXOFFICIO CLERK OF THE HAYS
COUNTY COMMISSIONERS' COURT

BY *Liz Q. Gonzalez*
DEPUTY

Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



70 2010 10031770

Instrument Number: 2010-10031770

As

Recorded On: November 12, 2010

NO Fee-Recording #/Misc

Parties: BELTERRA PHASE 5 SECTION 10

To

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

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

NO Fee-Recording #/Misc	0.00
Total Recording:	0.00

***** 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:

Record and Return To:

Document Number: 2010-10031770

Receipt Number: 259399

Recorded Date/Time: November 12, 2010 03:37:29P

Book-Vol/Pg: BK-OPR VL-4010 PG-297

User / Station: A Herzog - Cashiering #3

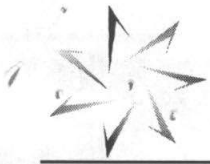


State of Texas |
County of Hays

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

Linda C. Fritsche

Linda C. Fritsche, County Clerk



ARCH INSURANCE COMPANY

FIRST TERM PREMIUM FULLY EARNED

Bond Number: **SU 1109262**

Premium \$1,327.00 for the term of

Two (2) Years Vol Pg
10031770 UPK 4010 298

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That **MAK FOSTER RANCH, L.P., a Delaware limited partnership** as Principal, and **ARCH INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Missouri and duly authorized to transact a general surety business in the state of Texas, hereinafter called the Surety, are held and firmly bound unto **Hays County Judge, State of Texas**, hereinafter called Obligee, in the full and just sum of **One Hundred Thirty Two Thousand Six Hundred Seventy Three Dollars and 00/100 DOLLARS (\$132,673.00)** lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, on the xxxxx day of xxxxx 20 , the above named Principal entered into an agreement with the Obligee for: **Belterra, Phase 5, Section 10 - Clearing, Erosion Control, Storm Drains, Streets and Driveways, Detention and Water Quality Ponds**

WHEREAS, under the terms of said agreement, Principal is required to guarantee replacement and repair of improvements as described therein for a period of two (2) years from and after the date of completion and acceptance of said improvements;

NOW, THEREFORE, If the above Principal for a period of two (2) years from and after the date of completion and acceptance of same by said Obligee, replace any and all defects in said work resulting from defective materials or defective workmanship, then the above obligation shall be void; otherwise to remain in full force and effect.

Any claims upon this bond must be made prior to the expiration of the two (2) year maintenance period.

IN WITNESS WHERE OF, the seal and signature of said Principal is affixed hereto and the corporate seal and the name of said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact

this 15th day of October, 2010.

MAK FOSTER RANCH, L.P., a Delaware limited partnership
(Principal)

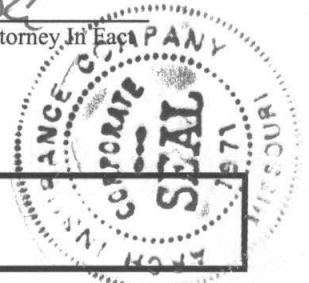
Arch Insurance Company (Surety)

By:

By:

SANDRA L. SIKORA

, Attorney in Fact



DIRECT CORRESPONDENCE TO:

ARCH INSURANCE COMPANY, 135 N. LOS ROBLES AVE., STE. 825, PASADENA, CA 91101-4531
PHONE (626) 639-5200 • FAX (626) 639-5210

In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 21st day of Januray, 2009.

Arch Insurance Company

10031770 Bk Vol Pg
OPR 4010 299

Attested and Certified



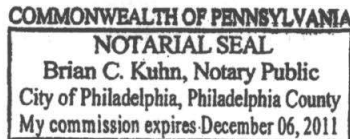
Martin J. Nilsen
Martin J. Nilsen, Secretary

J. Michael Pete
J. Michael Pete, Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Brian C. Kuhn, a Notary Public, do hereby certify that Martin J. Nilsen and J. Michael Pete personally known to me to be the same persons whose names are respectively as Secretary and Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth



Brian C. Kuhn
Brian C. Kuhn, Notary Public
My commission expires 12-06-2011

CERTIFICATION

I, Martin J. Nilsen, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated January 21, 2009 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said J. Michael Pete, who executed the Power of Attorney as Vice President, was on the date of execution of the attached Power of Attorney the duly elected Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 15th day of October, 2010.

Martin J. Nilsen
Martin J. Nilsen, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Contractors & Developers Group
135 N. Robles Ave., Ste. 825
Pasadena, CA 91101



POWER OF ATTORNEY

Bk Vol Pg
10031770 OPR 4010 300

Know All Men By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint

Paul A. Bland, Dana L. Dowers, Sandra L. Sikora, Robert Ranallo, Raymond Chao and Michael Perry of Irvine, CA (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and 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, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

00ML0013 00 03 03



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

Bk Vol Pg
10031770 OPR 4010 301

State of California

County of Orange

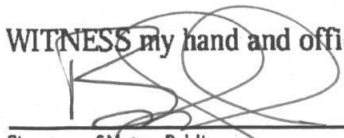
On 10/15/10 before me, Brandy Novak, Notary Public
(Here insert name and title of the officer)

personally appeared SANDRA L. SKORA

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

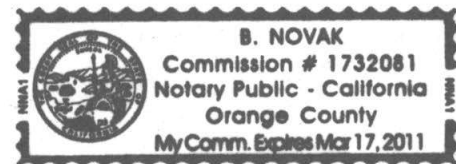
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public Brandy Novak, Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT

MAINTENANCE BOND
(Title or description of attached document)

SU 1109262
(Title or description of attached document continued)

Number of Pages 1 Document Date 10/15/10

(Additional Information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
(Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

- State and County Information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, ~~is /are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On 10/18/10
Date

before me,

Jennifer Ward
Here Insert Name and Title of the Officer

personally appeared

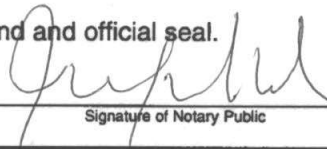
Stephen L. Millham
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

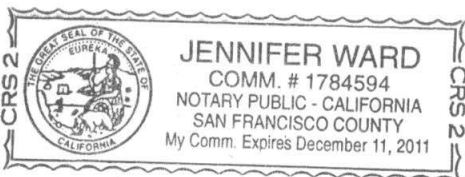
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Maintenance Bond - SU #1109262

Document Date: 10/15/10 Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

D • L • D



INSURANCE
BROKERS INC.

October 15, 2010

Doug Goss, Project Manager
MAK FOSTER RANCH
3809 Juniper Trace, Suite 203
Austin, TX 78738

Subject: Bond SU1109262

Dear Doug:

Enclosed is the above referenced Surety Bond. A copy is enclosed for your records.

Please have the bond signed by an authorized representative. The signature should be notarized by a Notary Public and sealed with a corporate seal, if available.

Although we have already done so, we urge you to review the bond to ensure accuracy before filing with the Hays County Judge, State of Texas.

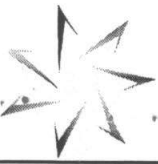
Should you have any questions, please do not hesitate to call.

Best Regards,
D.L.D Insurance Brokers, Inc.

Brandy Novak,
Surety Assistant

:bln

Enclosure(s) as referenced



ARCH INSURANCE COMPANY

FIRST TERM PREMIUM FULLY EARNED

Bond Number: **SU 1109262**

Premium \$1,327.00 for the term of
Two(2) years

MAINTENANCE BOND

Bk Vol Pg
10031770 OPR 4010 304

KNOW ALL MEN BY THESE PRESENTS: That MAK FOSTER RANCH, L.P., a Delaware limited partnership as Principal, and ARCH INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Missouri and duly authorized to transact a general surety business in the state of Texas, hereinafter called the Surety, are held and firmly bound unto Hays County Judge, State of Texas, hereinafter called Obligee, in the full and just sum of One Hundred Thirty Two Thousand Six Hundred Seventy Three Dollars and 00/100 DOLLARS (\$132,673.00) lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, on the xxxxx day of xxxxx 20 , the above named Principal entered into an agreement with the Obligee for: Belterra, Phase 5, Section 10 - Clearing, Erosion Control, Storm Drains, Streets and Driveways, Detention and Water Quality Ponds

WHEREAS, under the terms of said agreement, Principal is required to guarantee replacement and repair of improvements as described therein for a period of two (2) years from and after the date of completion and acceptance of said improvements;

NOW, THEREFORE, If the above Principal for a period of two (2) years from and after the date of completion and acceptance of same by said Obligee, replace any and all defects in said work resulting from defective materials or defective workmanship, then the above obligation shall be void; otherwise to remain in full force and effect.

Any claims upon this bond must be made prior to the expiration of the two (2) year maintenance period.

IN WITNESS WHERE OF, the seal and signature of said Principal is affixed hereto and the corporate seal and the name of said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact

this 15th day of October, 2010.

MAK FOSTER RANCH, L.P., a Delaware limited partnership
(Principal)

Arch Insurance Company (Surety)

By: _____

By: _____

SANDRA L. STOKRA

, Attorney In Fact

CLIENT COPY

DIRECT CORRESPONDENCE TO:

ARCH INSURANCE COMPANY, 135 N. LOS ROBLES AVE., STE. 825, PASADENA, CA 91101-4531
PHONE (626) 639-5200 • FAX (626) 639-5210