

RESOLUTION 2019-330

A RESOLUTION FOR THE CITY OF SMITHS STATION, ALABAMA AUTHORIZING THE MAYOR OF THE CITY OF SMITHS STATION TO ACCEPT BONDS ON BEHALF OF THE CITY FROM TIGER CREEK DEVELOPMENT, INC

WHEREAS, the Planning Commission of the City of Smiths Station approves Final Plat Approval of all Subdivisions within the Planning Jurisdiction of the City; and,

WHEREAS, the approval of a Final Plat may require a specific Maintenance, Performance or other type of Bond as guarantee; and,

WHEREAS, the Mayor is the Chief Executive Officer of the City of Smiths Station.

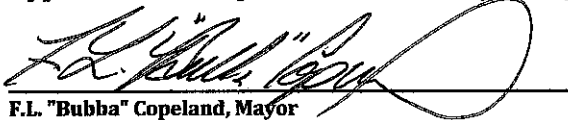
NOW THEREFOR BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF SMITHS STATION, ALABAMA as follows:

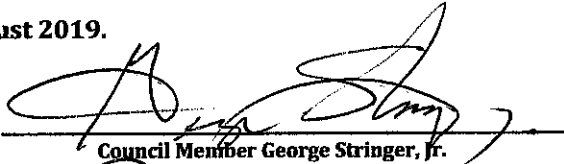
Section 1. The Mayor shall accept the attached Performance Bond on behalf of the City.

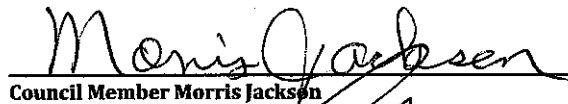
Section 2. The Mayor shall accept on behalf of the City from *Fair American Insurance and Reinsurance Company* Bond No.: BND1006983-000, *Subdivision Performance Bond* in the amount of exactly One Hundred Forty Seven Thousand Six Hundred and 00/100 (\$147,600.00) Dollars (Exhibit A).

Now Therefore be it Ordained by the City Council of Smiths Station, Alabama, that this Resolution becomes Effective Immediately upon Adoption and Approval pursuant to §11-45-8, Code of Alabama 1975, as amended.

Approved and Adopted this the 13th day of August 2019.

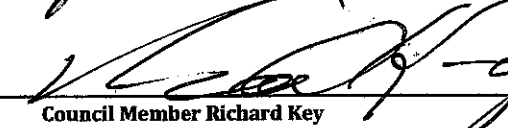

F.L. "Bubba" Copeland, Mayor


Council Member George Stringer, Jr.


Council Member Morris Jackson


Council Member James Moody


Council Member Richard A. Cooley


Council Member Richard Key

Attested:


Scott Johnston, City Clerk

SEAL:



RESOLUTION 2019-330

EXHIBIT A

**FAIR AMERICAN INSURANCE and REINSURANCE COMPANY
SUBDIVISION PERFORMANCE BOND
BOND NO: BND1006983-000**

BOND NO: BND1006983-00

**Fair American Insurance and Reinsurance Company
New York, NY**

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That,

**Tiger Creek Development, Inc
2301 Airport Thruway, Ste E-6
Columbus, GA 31904**

(hereinafter called the Principal), as Principal, and Fair American Insurance and Reinsurance Company, a corporation organized and existing under the laws of the State of New York and authorized to do business in the State of Alabama, as Surety, are held and firmly bound unto:

**City of Smiths Station, AL
2336 Lee Road 430
Smiths Station, AL 36877**

(hereinafter called the Obligor), in the just and full sum of (\$147,600) One Hundred Forty-Seven Thousand Six Hundred and no/100 DOLLARS, to the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

Whereas the Principal has agreed to perform the following work:

Asphalt-Wearing Surface 2/Tack Coat

which contract is hereby referred to and made a part hereof as fully and to the same extent as if copied at length herein. Provided, however, that the aggregate liability of the surety hereunder shall in no event exceed the face value of this bond and that the liability on this bond shall not be cumulative no matter how many years it is in effect.

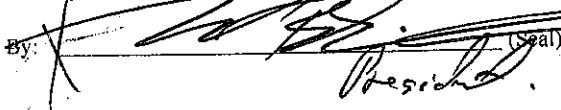
This is a 2year performance bond, the bond term beginning on 08/05/2019 and ending on 08/05/2021. The Surety's liability, past, present & future on the bond will cancel on 08/05/2021 unless renewed by continuation certificate issued by the Surety and signed by both the Surety and the Principal on or before the automatic expiration date of 08/05/2021.

Now, Therefore, the condition of this obligation is such that, if the Principal shall faithfully perform the described work in his part, and shall fully indemnify and save harmless the Obligor from all cost and damage which the Obligor may suffer by reason of failure on Principal's part, then this obligation shall be void, otherwise to remain in full force and effect.

Provided, However, it shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts showing the date and nature of such default shall be immediately given by the Obligor to the Surety and shall be forwarded by registered mail to the Surety at its office in the City of Atlanta, GA.

In Witness Whereof, the said Principal and Surety have signed and sealed this instrument this 6th day of August, 2019

Principal: **Tiger Creek Development, Inc**

By:  (Seal)

Surety: **Fair American Insurance and Reinsurance Company (Seal)**

By: 
David R. Brett, Attorney in fact for Surety
NOTICE

FA-BND-628-A CW 03-2017

All correspondence arising from the
execution of this bond should be addressed to:
365 Northridge Road
Suite 400
Atlanta, GA 30350

FAIR AMERICAN INSURANCE AND REINSURANCE COMPANY
One Liberty Plaza, 165 Broadway, New York, NY 10006
POWER OF ATTORNEY

Know all men by these Presents, that Fair American Insurance and Reinsurance Company ("Company"), a New York corporation, had made, constituted and appointed, and by these presents does make, constitute and appoint, Andrew C. Heaner of Atlanta, Georgia; Stefan E. Tauger of Parker, Colorado; Arthur S. Johnson of Atlanta, Georgia; James E. Feldner of West Lake, Ohio; Jeffery L. Booth of Blacklick, Ohio; Melanie J. Stokes of Atlanta, Georgia; David R. Brett of Columbia, South Carolina; Scott E. Stoltzner of Birmingham, Alabama; Jason S. Centrella of Jacksonville, Florida; Matthew W. Hollingsworth of Addison, TX; Michael J. Brown of Cumming, Georgia; Tamara D. Johnson of Atlanta, Georgia; or Omar G. Guerra of Overland Park, Kansas EACH as its true and lawful attorney-in-fact to sign, execute, seal, deliver for, and on behalf of the said Company, and as its act and deed any place in the United States any and all surety, bonds, undertakings, recognizances and contracts of suretyship to be given to all obligees provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount of the sum of \$5,000,000 (Five Million Dollars), any single instance. Provided, however, that this power of attorney limits the acts of those named herein; and they shall have no authority to bind the Company except in the manner stated and to the extent of any limitation herein.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolutions adopted pursuant to due authorization by the Board of Directors of the Company on the 2nd day of February, 2016.


RESOLVED, that the President, Chairman, or any Senior Vice President or Vice President of the Company, in conjunction with any Senior Vice President or Vice President, be, and that each or any of them hereby is, authorized to appoint Attorneys-in-fact of the Company as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all bonds, undertakings, recognizances, contracts of suretyship and other surety obligations. Such Attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the President and attested by the Secretary.

FURTHER 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 Senior Vice President, in conjunction with any Senior Vice President or 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.

IN WITNESS WHEREOF, the Company has caused its official seal to be hereto affixed, and these presents to be sealed with its corporate seal and duly attested to by these Senior Vice Presidents this 3rd day of December, 2018.

Fair American Insurance and Reinsurance Company

By: 
Christopher O'Gwen, Senior Vice President

By: 
Suzanne A. Spantidos, Senior Vice President

STATE of NEW YORK
COUNTY of NEW YORK

On **December 3, 2018** before me, the above named Senior Vice Presidents, personally appeared, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, that they know the seal of Fair American Insurance and Reinsurance Company, and that their signatures and the seals of Fair American Insurance and Reinsurance Company were duly affixed and subscribed to said instrument by the authority and direction of the Company. I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature  (Seal)

VINCENT PATRICK ENG
Notary Public State of New York
New York County
Lic. #02EN6333805
Comm. Exp. December 7, 2019

I, Christopher O'Gwen, the undersigned, an Officer of Fair American Insurance and Reinsurance Company, a New York Corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney is a true and correct copy of the original power of attorney, and do hereby further certify that the said Powers are still in force and effect.

Signed and sealed at the City of New York. Dated the 6th day of August, 2019


Christopher O'Gwen, Senior Vice President

CITY OF SMITHS STATION
P. O. BOX 250
Smiths Station, Alabama 36877

Resolution 2019-330

CERTIFICATION

I, Scott E. Johnston, City Clerk of the City of Smiths Station, Alabama hereby certify the attached to be a true and correct copy of the resolution adopted by the City Council of Smiths Station, Alabama at the regular meeting held **August 13, 2019** as same appears in minutes of record of said meeting and published by posting copies thereof on **August 14, 2019** at the public places listed below, which copies remained posted for five business days, through **August 21, 2019**. The resolution will remain posted for a minimum of thirty days.

City Hall 2336 Lee Road 430
Rainbow Foods 2461 Lee Road 430
Terry's Grocery, 9309 Lee Road 246
U.S. Post Office, 2720 Lee Road 430

Smiths Station, AL 36877
Smiths Station, AL 36877
Smiths Station, AL 36877
Smiths Station, AL 36877


Scott Johnston, City Clerk

Seal:

