

RESOLUTION NO. 25-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND ACCEPTING THE OWNERSHIP OF THE WATER IMPROVEMENTS, DEDICATION OF THE WATER EASEMENTS AND RELEASE OF THE PERFORMANCE BOND #608-102197-2, ASSOCIATED WITH THE TEMPLE BETH EMET CLASSROOM BUILDING WATER MAIN EXTENSION PROJECT GENERALLY LOCATED AT 4807 SOUTH FLAMINGO ROAD, COOPER CITY, FLORIDA, 33330; AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at their regular meeting, the City Commission gave site plan approval to Advanced Modular Structures, Inc., (the "Developer") for the project known as Temple Beth Emet Classroom Building Water Main Extension ("Project"), generally located at 4807 South Flamingo Road, Cooper City, Florida 33330;

WHEREAS, the project included construction of approximately 780 feet of water main and related appurtenances with the condition that upon successful completion of construction and acceptance by the City, the Developer will dedicate necessary easements for proper maintenance; and

WHEREAS, pursuant to Section 22 of the Water and Sewer Developers Agreement, in as much as one year has passed since final project completion and the City performed a satisfactory inspection of all improvements, the developer has requested full release of the project Bond #608-102197-2 and its acceptance by resolution of the City Commission; and

WHEREAS, on or about August 3, 2021, United States Fire Insurance Company issued the Developer a Performance Bond #608-102197-2 in the form of an "Surety" in the amount of \$85,657.00; and

WHEREAS, the "Surety" in the amount \$85,657.00, attached here to as Exhibit A, was issued to the City of Cooper City for water, improvements; and

WHEREAS, the aforementioned improvements for the Project have been completed according to the approved plans and acceptable to the City; and

WHEREAS, in accordance with Section 19-143 of the City's Code of Ordinances, the Developer is requesting release of the aforementioned "Surety" in the amount of \$85,657.00 which represents 110% of the certified completed cost which includes \$49,320.00 for the water facilities, \$28,550 for the fire lane and testing, totaling \$85,657.00, attached here to as Exhibit B; and

WHEREAS, a complete easement dedication package consisting of legal description, a bill of sale, transferring ownership of water improvements, public utility easement, opinion of title, Engineer of record certification letter, performance bond, developers bond release request letter are attached hereto; and

WHEREAS, the City Utilities/Engineering Department and staff are recommending approval and acceptance of ownership of the water improvements, the complete easement dedication package and release of the Performance Bond; and

WHEREAS, the City Commission finds that approval and acceptance of ownership of the water improvements, the complete easement dedication package and release of the Bond are in the best interests of the citizen and residents of the City of Cooper City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF COOPER CITY, FLORIDA:**

Section 1: Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

Section 2: That the City Commission hereby approves and accepts the bill of sale, opinion of title, water improvements, and dedication of water utility easements for the Temple Beth Emet Classroom Building Water Main Extension project.

Section 3: That the Performance Bond #608-102197-2 in the form of a "Surety" issued by United States Fire Insurance Company in the amount of \$85,657.00 are hereby released representing 110% of the water, fire lane and testing cost of improvements.

Section 4: That the appropriate City officials are hereby authorized and directed to record the appropriate documentation and take any and all actions necessary to effectuate the intent of this Resolution.

Section 5: Conflicts. All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 6: Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 7: Effective Date. This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED this date of _____ 2025.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

BY: _____

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Curran	_____
Commissioner Shrouder	_____
Commissioner Katzman	_____
Commissioner Mallozzi	_____
Commissioner Smith	_____

EXHIBIT A

Bond No. 608-102197-2

Project No. 530165

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we Advanced Modular Structures, Inc. as Principal and United States Fire Insurance Company as Surety, are held and firmly bound unto the City of Cooper City, Obligee in the sum of Eighty Five Thousand Six Hundred Fifty Seven and No/100 US Dollars (US \$85,657.00) for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has entered into a contract with the Obligee for construction of Temple Beth Emet, 4807 S Flamingo Road - Water Main Work as shown on plans prepared by James Bushouse, Inc. dated July 12, 2021 (the "Contract") and

WHEREAS, a copy of the contract is attached hereto and made a part hereof.

NOW, THEREFORE, if Principal shall promptly and faithfully perform the Contract according to the terms, stipulations of conditions thereof, then this obligation shall be null and void; otherwise it shall remain in full force and effect. Any changes in or under the Contract and compliance or noncompliance with formalities, connected with the Contract, does not affect the Surety's obligation under this obligation. Surety hereby waives notice of any alteration or extension of time made by the Principal.

SIGNED, SEALED, AND DATED THIS 3rd DAY OF August, 2021.

Advanced Modular Structures, Inc. (Seal)
(Principal)

By: _____

Gary M. Willis, President
Name and Title

United States Fire Insurance Company (Seal)
(Surety)

By: _____

Jonathan A. Bursevich, Attorney-in-Fact



EXHIBIT B

James Bushouse, Inc.
PO Box 1237
Arcadia, FL 34265
3300 NE 10th Terrace #24
Pompano Beach, FL 33064

ENGINEER'S COST ESTIMATE

Project: Temple Beth Emet - 4807 S Flamingo Road

Date: 7/21/2021

Project No: 530165

Item No.	Item Description	Unit Price	Quantity	Units	Amount
Potable Water					
1	8" C-900 PVC Waterline	\$49.00	740	LF	\$36,260
2	6" C-900 PVC Waterline	\$41.00	40	LF	\$1,640
3	8" Cut In Tee	\$1800.00	1	EA	\$1800
4	8" Gate Valve	\$1500.00	3	EA	\$4,500
5	6" Gate Valve	\$1,200.00	1	EA	\$1,200
6	Fire Hydrant	\$2795.00	1	EA	\$2,795
7	8" 90 degree Bends	\$375.00	3	EA	\$1,125
8					
9					
10					
11					
12					
POTABLE WATER SUBTOTAL					
Pavement					
1	Grasspave Firelane	\$3.25	8,400	SF	\$27,300
2					
3					
4					
5					
6					
PAVEMENT SUBTOTAL					
Testing and Miscellaneous					
1	Densities & BAC T's		1	LS	\$1,250
2					
3					
4					
5					
TESTING AND MISCELLANEOUS SUBTOTAL					
Total Base Bid Cost					\$77,870

Signature

Date

James Bushouse, P.E.

