

112



OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
Dana Lewis

DATE/TIME: 09/06/2023 1554
FEE: \$0.00
PAGES: 11
FEE NUMBER: 2023-066165

When recorded, return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. 090623-RD23-041

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS ACCEPTING SUBDIVISION IMPROVEMENT PERFORMANCE BOND NO. 9392744 FOR THE COMPLETION OF PUBLIC SUBDIVISION IMPROVEMENTS IN CONNECTION WITH SAN TAN 320 PARCELS 6-8, LOCATED IN A PORTION OF THE LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 7 EAST SUPERVISORY DISTRICT 1.

WHEREAS, this matter has been brought before the Pinal County Board of Supervisors by a request by the subdivider and recommended by the Director of Public Works; and

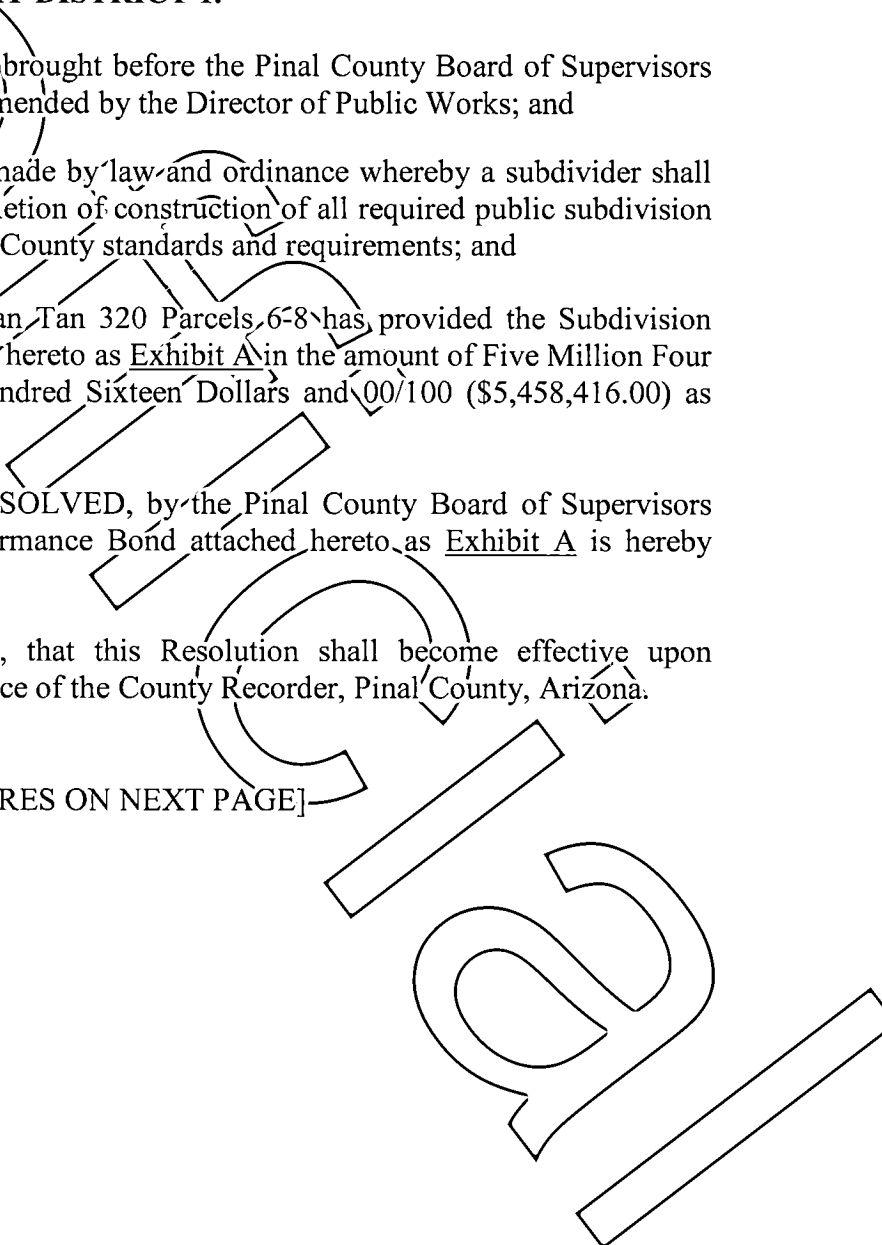
WHEREAS, provision has been made by law and ordinance whereby a subdivider shall provide financial security to assure completion of construction of all required public subdivision improvements in conformance with Pinal County standards and requirements; and

WHEREAS, the subdivider of San Tan 320 Parcels 6-8 has provided the Subdivision Improvement Performance Bond attached hereto as Exhibit A in the amount of Five Million Four Hundred Fifty Eight Thousand Four Hundred Sixteen Dollars and 00/100 (\$5,458,416.00) as such financial security.

NOW, THEREFORE, BE IT RESOLVED, by the Pinal County Board of Supervisors that the Subdivision Improvement Performance Bond attached hereto as Exhibit A is hereby approved and accepted.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon recording of said Resolution with the Office of the County Recorder, Pinal County, Arizona.

[SIGNATURES ON NEXT PAGE]

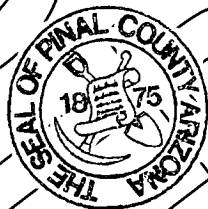


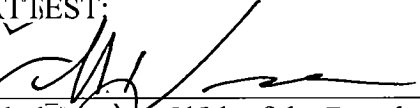
RESOLUTION NO. 090623-RD23-041

PASSED AND ADOPTED this 6th day of September, 2023, by the PINAL COUNTY BOARD OF SUPERVISORS.

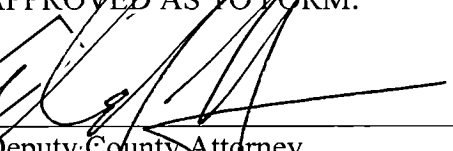


Chair of the Board



ATTEST:


Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:


Deputy County Attorney

**EXHIBIT A
TO**

RESOLUTION NO. 090623-RD23-041

[Subdivision Improvement Performance Bond No 9392744]

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BOND NO.: 9392744

SUBDIVISION IMPROVEMENT PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that we Toll Brothers AZ Construction Company, a Limited Partnership, as Principal, and Fidelity and Deposit Company of Maryland, a Corporation, created, organized and existing under any by virtue of the laws of Illinois and licensed to do business in the State of Arizona, are held and firmly bound unto Pinal County, a political subdivision of the State of Arizona, as Obligee, in the sum of Five Million Four Hundred Fifty Eight Thousand Four Hundred Sixteen and 00/100 Dollars (\$5,458,416.00), lawful money of the United States of America, for the payment of which we bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally, by these presents: and

WHEREAS, the Principal intends to file with Pinal County, Arizona, a plat of a subdivision in Pinal County, more particularly described as San Tan 320 Parcels 6-8 and endorsed on said plat is the requirement to construct and install public improvements for paving of subdivision streets, curb and gutter, water, sewer, landscaping/irrigation; and

WHEREAS, provision has been made by law and ordinance whereby the Principal shall provide security to assure complete installation of said improvements in conformance with Pinal County standards and in favor of Pinal County, which shall indemnify said County and secure said County that actual construction of said improvements in conformance with County standards, in the event said Principal shall fail to install said improvements within the specified period of time described below.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall faithfully complete the construction and installation of said improvements in conformance with County standards within two years from the date of approval of said subdivision plat, then this obligation shall become null and void; otherwise it remains in full force and effect.

The Principal and Surety, jointly and severally agree, that if said Principal fails to construct said improvements as herein required or fails to conform said improvements to Pinal County standards, Surety, with the consent of Obligee, may cause said improvements to be completed or made to conform to Pinal County Standards with Surety continuing to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses or Obligee shall have the right to construct and maintain, or pursuant to public advertisement and receipt and acceptance of bids, cause to be constructed and maintained said subdivision improvements and the Principal and Surety shall be jointly and severally liable hereunder to pay to and indemnify the Obligee upon completion of such construction and maintenance, the cost to the Obligee thereof, including but not limited to engineering, legal and contingent costs and expenses.

The term of this bond shall begin upon the date of filing this subdivision improvement performance bond with Pinal County and shall remain in effect until the completion of the work in conformance with Pinal County standards.

Signed, sealed and dated this 18 TH day of AUGUST, 2023.

Address and telephone

8767 E. Via De Ventura
Suite 390
Scottsdale, AZ 85258
602-999-5684

Principal

Toll Brothers AZ Construction Company,

a Limited Partnership

By:

Oscar Dominguez

Name:

OSCAR DOMINGUEZ

Title:

Executive VP LD

Address and telephone

2000 Market Street, Suite 1100
Philadelphia, PA 19103
610-727-5621

Surety

Fidelity and Deposit Company of Maryland

a Corporation

By:

James L. Hahn

Name: James L. Hahn

Title: Attorney-in-Fact

****ALSO REQUIRED IS A NOTARY SHEET FOR EACH OF THE ABOVE SIGNATURES AND A COPY OF ANY POWER OF ATTORNEY****

ACKNOWLEDGEMENT OF SURETY

State of Pennsylvania

County of Chester

On this 18TH day of AUGUST, 2023, before me, ARLENE OSTROFF
a Notary Public in and for said Chester County, State aforesaid, residing
therein, duly commissioned and sworn, personally appeared, JAMES L. HAHN
known to me to be the person whose name is subscribed to the within
instrument as the Attorney-in-Fact of the FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, and acknowledged to me that he subscribed
the name of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND
thereto, as Surety, and his own as Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, and year in this certificate first above-written.

BY: *Arlene Ostroff*
Notary Public – Arlene Ostroff

My Commission Expires: 12/03/2024

Commonwealth of Pennsylvania - Notary Seal
ARLENE OSTROFF, Notary Public
Chester County
My Commission Expires December 3, 2024
Commission Number 1124021

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Joseph W. KOLOK, JR., Kelly G. HENNESSY, Daniel P. DUNIGAN, Brian C. BLOCK, James L. HAHN of Berwyn, Pennsylvania, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all, bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 7th day of August, A.D. 2023.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

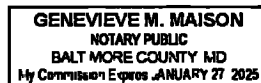
By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 7th day of August, A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written

Genevieve M. Maison



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V. Section 8. Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V. Section 8. of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company, may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 18 TH day of AUGUST, 2023.



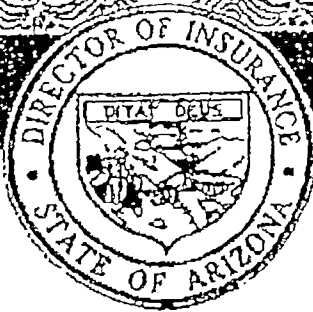
Thomas O. McClellan
Thomas O. McClellan
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
reportsclaims@zurichna.com
800-626-4577

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

STATE OF



ARIZONA

DEPARTMENT OF INSURANCE
CERTIFICATE OF AUTHORITY

I, CHRIS HERSTAM, Director of Insurance of the State of Arizona, do hereby certify that

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Domiciled in Maryland
NAIC NO. 39306

is hereby authorized, subject to the provisions thereof and the Charter Powers of said Company, to transact the business of:

CASUALTY WITH WORKERS' COMPENSATION
MARINE AND TRANSPORTATION
PROPERTY
SURETY
VEHICLE

insurance within the State of Arizona until terminated at the request of the insurer or suspended or revoked by the Director of Insurance.

Arizona Revised Statute 5-20-217 (C) states:

A Certificate of Authority remains the property of the State of Arizona. Upon termination at the request of the insurer or revocation by the Director of Insurance, the insurer shall immediately deliver the Certificate of Authority to the Director of Insurance.

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Director of Insurance at the City of Phoenix. The effective date of this Certificate is November 6, 1995.



Chris Herstam
Chris Herstam
Director of Insurance

E146 (03/92)

56486 000522

Toll Brothers AZ Construction,
an Arizona limited liability company

By: [Signature]
Name: Oscar Domínguez
Its: Executive Vice President

STATE OF ARIZONA

COUNTY OF MARICOPA

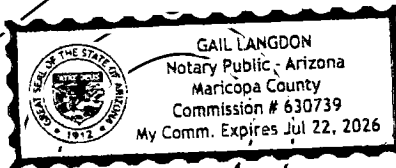
) ss.
)

The foregoing performance bond was acknowledged before me this 21st day of August, 2023, by Oscar Domínguez, as Executive Vice President of Toll Brothers AZ Construction and being authorized to do so, executed the foregoing performance bond on behalf of Toll Brothers AZ Construction, for the purposes therein stated.

[Signature]
Notary Public

My Commission Expires:

07/22/2026



TOLL BROTHERS AZ CONSTRUCTION COMPANY

OFFICER'S CERTIFICATE

Dated: March 18, 2021

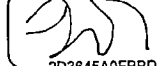
I, Kenneth J. Greenspan, Vice President and Assistant Secretary of Toll Brothers AZ Construction Company, an Arizona corporation (the "Corporation"), do hereby certify and confirm that the following officers are duly appointed to the offices next to their names, and each of them is individually authorized, empowered and directed to execute and deliver, for and on behalf of the Corporation, any and all agreements, bonds, applications, Department of Real Estate Public Reports, plats and any other documents with respect to the application for any and all permits, zoning and construction matters which may applied for by the Corporation, upon such terms and conditions as they deem appropriate and in the best interest of the Corporation:

- Kevin D. Duermit Regional President
- Robert L. Flaherty Group President
- Oscar Dominguez Senior Vice President
- Devin C. Hobbs Division Vice President
- Daniel E. Rhea Division Vice President
- Richard Schoonmaker Division Vice President
- Lawrence M. Wandel Division Vice President
- Aaron L. Insko Vice President

IN WITNESS WHEREOF, the undersigned has executed this Officer's Certificate as of the date first written above.

TOLL BROTHERS AZ CONSTRUCTION COMPANY

DocuSigned by:



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By:

Kenneth J. Greenspan
Vice President and Assistant Secretary