

RESOLUTION 2025- 12

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA, ACCEPTING MAINTENANCE
RESPONSIBILITY FOR KATY STREET AND RELEASING THE
MAINTENANCE BONDS; PROVIDING FOR FINDINGS; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Century Communities of Florida, LLC constructed the Katy Street right-of-way within Concourse Crossing Phase 1, a residential development located west of Old Nassauville Road/County Road 107 and south of Amelia Concourse;

WHEREAS, the sixty-foot right-of-way was previously conveyed to the County via Right of Way Warranty Deed dated December 9, 2019 from the prior owner, Nassau I Amelia, LLC, recorded in Official Records Book 2539, Page 1789 of the official records of Nassau County, Florida; and

WHEREAS, the construction of said Katy Street right-of-way was accepted as complete by Nassau County on December 15, 2022; and

WHEREAS, Century Communities of Florida, LLC obtained a maintenance bond for said Katy Street right-of-way for a 26-month period commencing on December 16, 2022 and expiring on February 16, 2025, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**; and

WHEREAS, **Exhibit "B"**, attached hereto and incorporated herein, depicts the location of Katy Street as highlighted;

WHEREAS, the rights-of-way were inspected prior to expiration of the maintenance bonds on or around November 15, 2024 by County staff;

WHEREAS, all required repairs have been completed by Century Communities of Florida, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THAT:

SECTION 1. FINDINGS. The above findings are true and correct and are hereby incorporated herein by reference.

SECTION 2. RELEASE OF BONDS. The County approves and authorizes the release of the maintenance bond provided in **Exhibit "A."** Said maintenance bond can expire and terminate pursuant to its own terms.

SECTION 3. ACCEPTANCE OF MAINTENANCE. The County acknowledges and

accepts, as of the Effective Date, its maintenance responsibility for Katy Street right-of-way referenced herein and depicted in **Exhibit "B"**. The County shall maintain Katy Street according to its applicable standards and shall not be responsible for any streetlights or landscaping located within the right-of-way.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect on the date that the 26-month maintenance bond expires, on February 16, 2025.

DULY ADOPTED this 19th day of February, 2025.

**BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA**



A.M. "HUPP" HUPPMANN
Its: Chairman
Jeff Gray
Vice-Chair

ATTEST as to Chairman's Signature:

Approved as to form:



MITCH L. KEITER
Its: Ex-Officio Clerk



DENISE C. MAY
County Attorney

Exhibit "A" to Resolution

NGM Insurance Company

MAINTENANCE BOND

Bond No. S-213805

KNOW ALL MEN BY THESE PRESENT, that we, Century Communities of Florida, LLC, hereinafter called Principal, and NGM Insurance Company, hereinafter called Surety, are held and firmly bound unto Nassau County Board of County Commissioners, hereinafter called Obligee, in the full and just sum of Forty Nine Thousand Five Hundred Thirty Five Dollars and 29/100 (\$49,535.29), lawful money of the United States, for the payment of which we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION ON THIS OBLIGATION is such that,

WHEREAS, the said Principal has completed the Concourse Crossing Phase 1 (SP20-017), Nassau County, State of Florida.

WHEREAS, Obligee has requested that the said work be guaranteed against failure because of defective workmanship or material, performed or maintained by said Principal for a period of 26 months, or 75% buildout of all phases of the development, whichever is greater, beginning on December 16, 2022 of acceptance letter issued by the Obligee, normal wear and tear excepted.

NOW THEREFORE, if said improvements shall be free from defects of workmanship and materials, general wear and tear excepted, for a period of 26 months or 75% buildout of all phases of the development, whichever is greater, from the date of acceptance of said improvements, then this obligation shall be null and void; otherwise to remain in full force and effect. It is understood, however, the Obligee may call the bond based on an estimate of the cost to repair deficiencies if, in the sole discretion of the Obligee, the Obligee determines a deficiency exists. This bond shall not include loss or damage due to hurricane, cyclone, tornado, earthquake, volcanic eruption or similar disturbance of nature, no military, naval or usurped power, insurrection, riot or civil commotion nor any act of God.

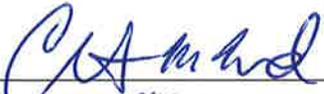
No right of action shall accrue upon or by reason of this obligation, to or for the benefit of any person, firm or corporation, other than the Obligee herein named. This bond shall be governed by the laws of the State of Florida, and any and all legal action necessary to enforce it will be held in Nassau County, Florida.

SIGNED, sealed and dated this 9th day of December, 2022.


Elizabeth Silva
Witness as to Principal

Century Communities of Florida, LLC
Principal Name

Tiffany Zahn
Witness as to Surety

By 
Name CHRISTOPHER M. WARD
Title AUTHORIZED SENATOR

NGM Insurance Company
Surety Name

By 
Richard H. Mitchell, Attorney-in-Fact



KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them. "

does hereby make, constitute and appoint **Mark W Edwards II, Jeffrey M Wilson, Robert R Freel, Alisa B Ferris, Richard H Mitchell, Anna Childress, William M. Smith** -----

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

- 1. **No one bond to exceed Twenty Five Million Dollars (\$25,000,000.00)**

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 7th day of January, 2020.

NGM INSURANCE COMPANY By:

Kimberly K. Law

Kimberly K. Law
Vice President,
General Counsel and Secretary



State of Florida,
County of Duval.

On this 7th day of January, 2020, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Kimberly K. Law of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 7th day of January, 2020.

Lisa K. Penton



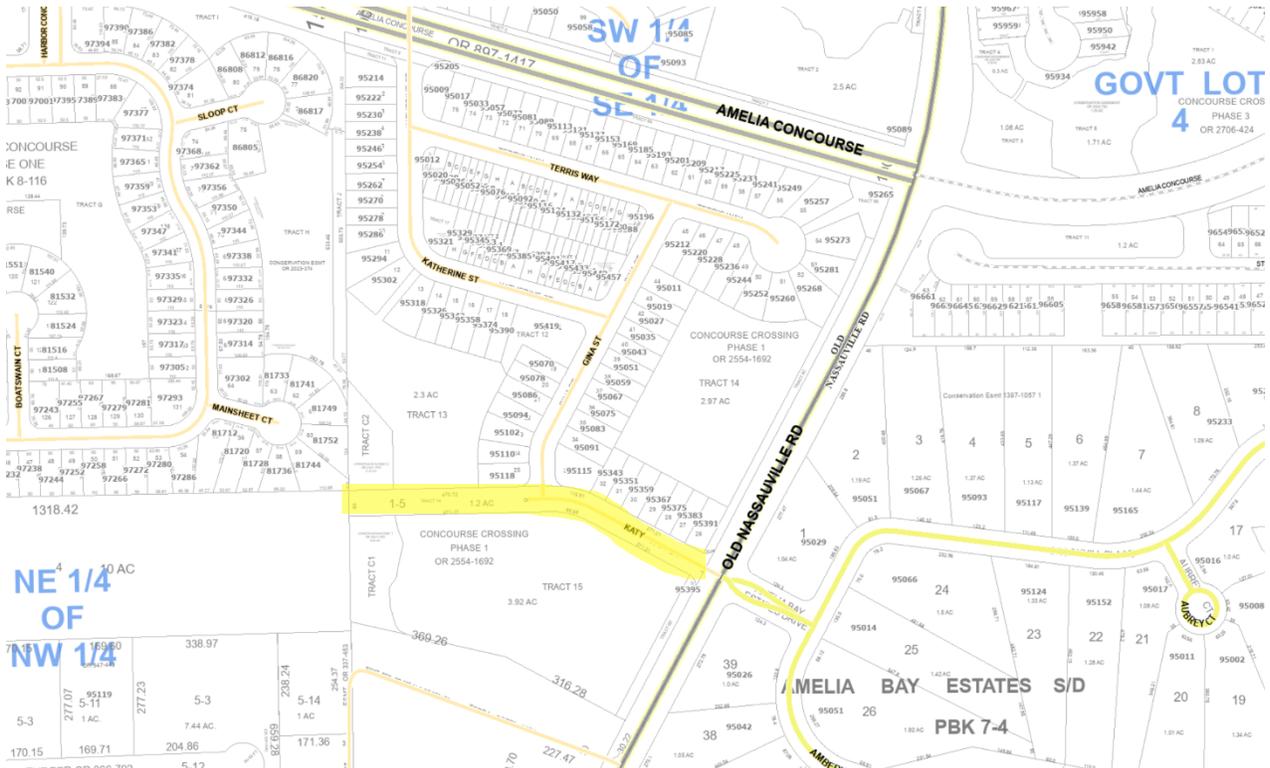
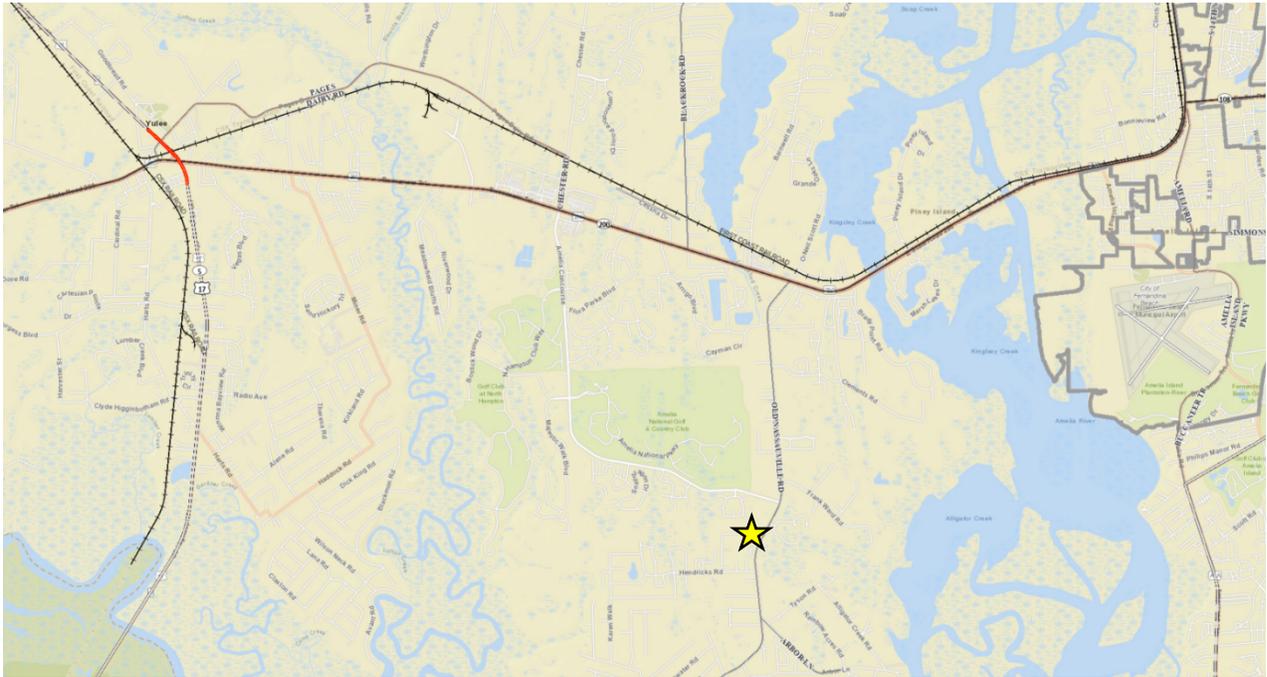
I, Nancy Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this

9th of December, 2022.

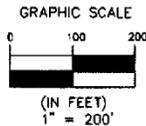
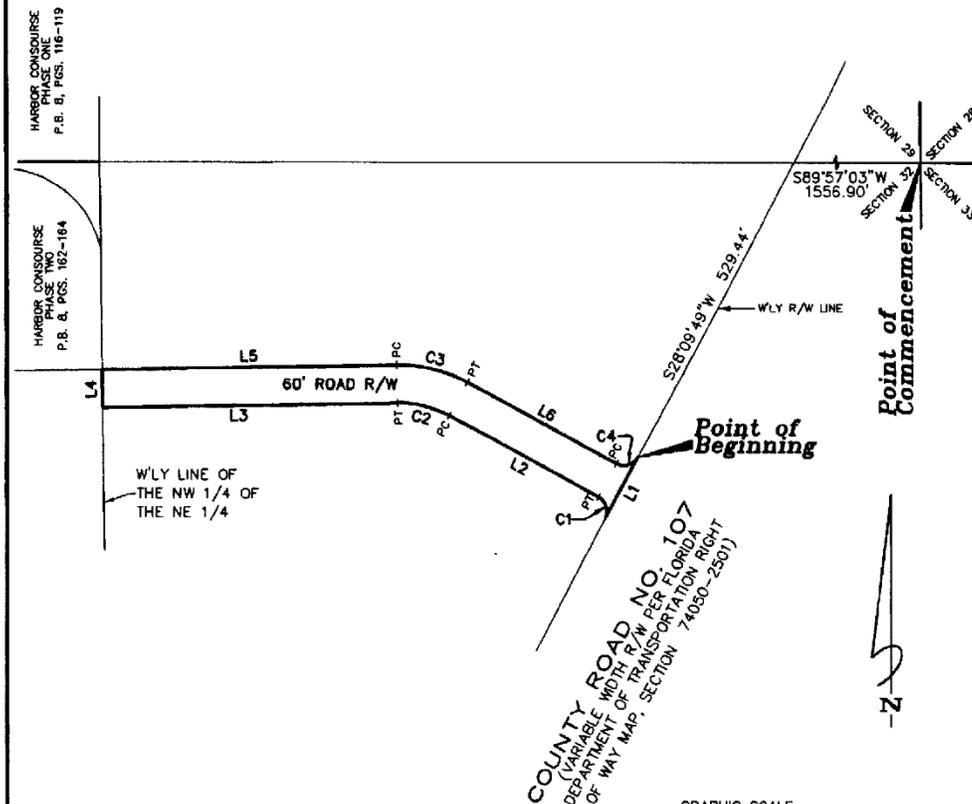
Nancy Giordano-Ramos

Exhibit "B" to Resolution



MAP SHOWING

A PORTION OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA.



GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON WESTERLY R/W LINE OF COUNTY ROAD NO. 107 S28°09'49"W PER STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983/1990 NGS ADJUSTMENT.
2. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
3. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL. UTILIZE THE GRAPHIC SCALE AS SHOWN.
5. CROSS REFERENCE: BOUNDARY SURVEY BY CLARY & ASSOCIATES, FILE NO. T2N-176B

LEGEND

- R/W = RIGHT OF WAY
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY

SHEET 1 OF 2
60' ROAD R/W

JOB NO. 2019-771
DRAFTER EJC
DATE 11/20/19
SCALE 1"=200'

THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SKETCH, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE).

THIS MAP OR SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATION SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTY.



CHECKED BY: MICHAEL J. COLLIGAN, P.S.M. CERT. NO. 6788

MAP SHOWING

60' ROAD RIGHT OF WAY

A PORTION OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 89°57'03" WEST, ALONG THE NORTHERLY LINE OF SAID SECTION 32, A DISTANCE OF 1556.90 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 107 (OLD NASSAUVILLE ROAD, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED); THENCE SOUTH 28°09'49" WEST, ALONG LAST SAID LINE, 529.44 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 28°09'49" WEST, ALONG LAST SAID LINE, 110.00 FEET, TO THE ARC A CURVE LEADING NORTHERLY; THENCE NORTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.27 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 16°50'11" WEST, 35.36 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 61°50'11" WEST, 271.21 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING WESTERLY; THENCE WESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 170.00 FEET, AN ARC DISTANCE OF 86.61 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 76°25'54" WEST, 85.68 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 88°58'23" WEST, 471.17 FEET, TO THE WESTERLY LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 32; THENCE NORTH 00°35'29" WEST, ALONG LAST SAID LINE, 60.00 FEET; THENCE NORTH 88°58'23" EAST, 470.72 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 117.18 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 76°25'54" EAST, 115.91 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 61°50'11" EAST, 271.21 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING EASTERLY; THENCE EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.27 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 73°09'49" EAST, 35.36 FEET, TO THE POINT OF BEGINNING.

CONTAINING 1.20 ACRES, MORE OR LESS.

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S28°09'49"W | 110.00' |
| L2 | N61°50'11"W | 271.21' |
| L3 | S88°58'23"W | 471.17' |
| L4 | N00°35'29"W | 60.00' |
| L5 | N88°58'23"E | 470.72' |
| L6 | S61°50'11"E | 271.21' |

| CURVE TABLE | | | | | |
|-------------|---------|---------|-----------|-------------|---------|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
| C1 | 25.00' | 39.27' | 90°00'00" | N16°50'11"W | 35.36' |
| C2 | 170.00' | 86.61' | 29°11'26" | N76°25'54"W | 85.68' |
| C3 | 230.00' | 117.18' | 29°11'26" | S76°25'54"E | 115.91' |
| C4 | 25.00' | 39.27' | 90°00'00" | N73°09'49"E | 35.36' |

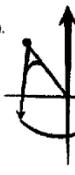
SHEET 2 OF 2
60' ROAD R/W

JOB NO. 2019-771
 DRAFTER EJC
 DATE 11/20/19
 SCALE 1"=200'

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