



FAITHFUL PERFORMANCE BOND

CITY OF MENIFEE, STATE OF CALIFORNIA

(Government Code Section 66499.1)

FOR: Grading/Electrical	\$		Tract Map	TM36852
Hardscape	\$		Other Proj. Ref.	IP20-024L
Amenities	\$		Bond No.	CMS0344897
Landscape	\$	413,000.00	Premium	\$1,982.00
Contingency	\$	82,500.00		
Total	\$	495,500.00		

Surety <u>RLI Insurance Company</u>	Principal <u>Forestar (USA) Real Estate Group, Inc.</u>
Address <u>9025 N. Lindbergh Drive</u>	Address <u>2221 E. Lamar Blvd Suite 790</u>
City/State <u>Peoria, IL</u>	City/State <u>Arlington, TX</u>
Zip code <u>61615</u>	Zip <u>76006</u>
Phone <u>(309) 623-5042</u>	Phone <u>(817) 769-1867</u>

WHEREAS, the City Council of the City of Menifee, State of California, and Forestar (USA) Real Estate Group, Inc. (hereinafter designated as "principal") have entered into, or are about to enter into, the attached agreement(s) whereby principal agrees to install and complete the above designated public improvements relating to Tract Map 36852 / IP20-024L, which agreement(s), dated 9/20/21, is/are hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement(s) to furnish bond(s) for the faithful performance of said agreement(s);

NOW, THEREFORE, we the principal and **RLI Insurance Company**, as surety, are held and firmly bound unto the City of Menifee in the penal sum of Four Hundred Ninety Five Thousand Five Hundred and no/100, Dollars, (\$495,500.00) lawful money of the United States, for the payment of which sum will and truly be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement(s) and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Menifee, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City of Menifee in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

FAITHFUL PERFORMANCE BOND



The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement(s) or to the work to be performed there under or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement(s) or to the work or to the specifications..

Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code and commencement of construction are not conditions precedent to surety's obligations hereunder and are hereby waived by surety.

When the work covered by the agreement(s) is complete, the City of Menifee will accept the work and thereupon, the amount of the obligation of this bond is reduced by 90% with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on October 6, 2021.

NAME OF PRINCIPAL: Forestar (USA) Real Estate Group, Inc.

AUTHORIZED SIGNATURE(S):

By: 
Name: **James D. Allen**
Title: **Executive Vice President & CFO**

(IF CORPORATION, AFFIX SEAL)



NAME OF SURETY: RLI Insurance Company

AUTHORIZED SIGNATURE:



Noah William Pierce, Attorney-in-Fact

(IF CORPORATION, AFFIX SEAL)

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURES OF PRINCIPAL AND ATTORNEY-IN-FACT.

STATE OF North Carolina

COUNTY OF Mecklenburg to wit:

I, Catherine Thompson, a Notary Public in and for the State and County aforesaid, do hereby certify that Noah William Pierce, whose name is signed to the foregoing bond this day personally, appeared before me in my said State and County aforesaid and acknowledged the same.

Given under my hand this ____ day of _____, 2021.



Catherine Thompson
Notary Public

My commission expires on the 9th day of April, 2022.

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Jennifer B. Gullett, Catherine Thompson, Amy R. Waugh, Noah William Pierce, Jynell Marie Whitehead, jointly or severally

in the City of Charlotte, State of North Carolina its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 13th day of April, 2020.



**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Barton W. Davis

Vice President

State of Illinois
County of Peoria

} SS

On this 13th day of April, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By:

Jacqueline M. Bockler

Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 6th day of October, 2021.

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Jeffrey D. Dick

Corporate Secretary



MATERIAL AND LABOR BOND
CITY OF MENIFEE, STATE OF CALIFORNIA
(Government Code Section 66499.2)

FOR: Grading/Electrical \$ _____
Hardscape \$ _____
Amenities \$ _____
Landscape \$ 206,500.00
Contingency \$ 41,250.00
Total \$ 247,750.00

Tract Map TM36852
Other Proj. Ref. IP20-024L
Bond No. CMS0344897
Premium Included on Performance Bond

Surety RLI Insurance Company
Address 9025 N. Lindbergh Drive
City/State Peoria, IL
Zip code 61615
Phone (309) 623-5042

Principal Forestar (USA) Real Estate Group, Inc.
Address 2221 E. Lamar Blvd Suite 790
City/State Arlington, TX
Zip 76006
Phone (817) 769-1867

WHEREAS, the City Council of the City of Menifee, State of California, and Forestar (USA) Real Estate Group, Inc., (hereinafter designated as "principal") have entered into, or are about to enter into, the attached agreement(s) whereby principal agrees to install and complete the above designated public improvements relating to Tract Map 36852 – IP20-024L, which agreement(s), dated 9/20/21, is/are hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement(s), principal is required, before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Menifee to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code of the State of California;

NOW, THEREFORE, said principal and the undersigned, as corporate surety, are firmly bound unto the City of Menifee and all contractors, subcontractors, laborers, material suppliers, and other persons employed in the performance of the agreement(s) and referred to Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the sum of Two Hundred Forty Seven Thousand Seven Hundred Fifty and no/100 Dollars, (\$ 247,750.00) for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City of Menifee in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed upon that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

MATERIAL AND LABOR BOND

The surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the agreement(s) or to the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to surety's obligations hereunder and are hereby waived by surety.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on October 6, 2021.

NAME OF PRINCIPAL: Forestar (USA) Real Estate Group, Inc.

AUTHORIZED SIGNATURE(S):

By: 
Name: **James D. Allen**
Title: **Executive Vice President & CFO**



(IF CORPORATION, AFFIX SEAL)

NAME OF SURETY: RLI Insurance Company

AUTHORIZED SIGNATURE:


Noah William Pierce, Attorney-in-Fact

(IF CORPORATION, AFFIX SEAL)

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURES OF PRINCIPAL AND ATTORNEY-IN-FACT.

STATE OF North Carolina

COUNTY OF Mecklenburg to wit:

I, Catherine Thompson, a Notary Public in and for the State and County aforesaid, do hereby certify that Noah William Pierce, whose name is signed to the foregoing bond this day personally, appeared before me in my said State and County aforesaid and acknowledged the same.

Given under my hand this 6th day of October, 2021.



Catherine Thompson
Notary Public

My commission expires on the 9th day of April, 2022.

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Jennifer B. Gullett, Catherine Thompson, Amy R. Waugh, Noah William Pierce, Jynell Marie Whitehead, jointly or severally

in the City of Charlotte, State of North Carolina its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 13th day of April, 2020.



**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Barton W. Davis

Vice President

State of Illinois

County of Peoria

} SS

On this 13th day of April, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By:

Jacqueline M. Bockler

Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 6th day of October, 2021.

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Jeffrey D. Dick

Corporate Secretary

IP20-024L DEL ORO
STREETSCAPE
NO COMMENTS BY GARY HOYT
ON 9/20/2021
APPROVED FOR BONDING

CITY OF MENIFEE ENGINEERING DEPARTMENT
IMPROVEMENT REQUIREMENT WORKSHEET
LANDSCAPE IMPROVEMENTS
Tr 36852 Perimeter Streetscape and Slopes IP20-024L

Prepared by Jeff Trojanowski Date 8/25/2021

ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT
LANDSCAPING				
Maintenance Walk STD 113	-	S.F.	\$ 4.00	\$ 0.00
Concrete Mow Curb	128	L.F.	\$ 10.00	\$ 1,280.00
Colored Stamped Concrete	-	S.F.	\$ 10.00	\$ 0.00
Boulders	-	EA	\$ 100.00	\$ 0.00
Trees (15 Gallon)	30	EA	\$ 100.00	\$ 3,000.00
Trees (24" Box)	82	EA	\$ 300.00	\$ 24,600.00
Trees (36" Box)	8	EA	\$ 600.00	\$ 4,800.00
Shrubs (1 Gallon)	2,313	EA	\$ 7.00	\$ 16,191.00
Shrubs (5 Gallon)	1,930	EA	\$ 16.00	\$ 30,880.00
Irrigation	23,969	S.F.	\$ 1.75	\$ 41,945.75
Irrigation_point to point	36,833	S.F.	\$ 6.50	\$ 239,414.50
Landscape Fill Material	-	C.Y.	\$ 27.00	\$ 0.00
Water Meter	1	EA	\$ 7,000.00	\$ 7,000.00
Electric Meter	1	S.F.	\$ 10,000.00	\$ 10,000.00
CalSense Controller	1	EA	\$ 12,500.00	\$ 12,500.00
Remove trees	-	EA	\$ 3,000.00	\$ 0.00
One Year Landscape Maintenance	60,802	S.F.	\$ 0.35	\$ 21,280.70
A.	Subtotal			\$ 413,000.00
B.	Administrative Contingency (20% x A)			\$ 82,500.00
C.	Landscape Total (A+B)			\$ 495,500.00