

# Comal County

OFFICE OF COMAL COUNTY ENGINEER

May 11, 2016

Commissioner Donna Eccleston  
Comal County Precinct 1  
100 Main Plaza  
New Braunfels, TX 78130

Re: *Vintage Oaks at the Vineyard, Unit 10*, within Comal County, Texas

Dear Commissioner Eccleston:

The project engineer for the referenced subdivision has certified that the roads and storm water drainage improvements have been completed in general conformance with the plans and specifications for the project.

The County Engineer's Office has inspected the paving and drainage and recommends the following actions by Commissioners Court during its May 19, 2016 meeting:

- Acknowledge the completion of private road construction and private storm water drainage improvements.
- Release the associated surety bond.

Please find copies of the following documents attached pertaining to this recommendation:

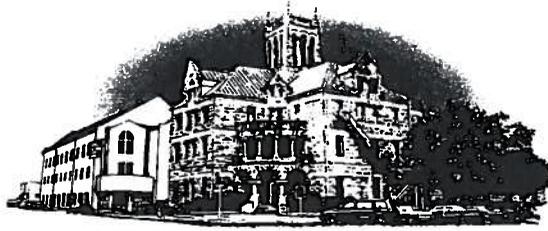
- Project engineer's certificate of completion
- Assistant County Engineer's verification of completion
- Construction Bond #1118546
- Plat index and location maps

Also, laboratory testing results and as-built drawings are available at our office for your review.

The surety for this subdivision expires September 9, 2016. If you have any questions, please let us know.

Sincerely,

Thomas H. Hornseth, P.E.  
Comal County Engineer



## Comal County

OFFICE OF COMAL COUNTY ENGINEER

May 11, 2016

Betty Lien  
Subdivision Coordinator

Re: Vintage Oaks @ TheVineyard Unit 10, -Final Surety Release

Dear Mrs. Lien,

Road and drainage improvements have been completed in the above referenced subdivision. From the material test reports and my field inspections, it appears that the work was done substantially in accordance with our regulations.

We have received a letter from the design engineer certifying completion of this project in accordance with the plans. With this information, I recommend that the County release the surety for this subdivision. This section of the Vintage Oaks is slated for gated private roads and the roads will not be accepted into our system at this time.

Sincerely,

  
David C. Vollbrecht, P.E.  
Assistant County Engineer

Cc: Tom Horseth, P.E., Adrienne Winkler



**M&S ENGINEERING**  
 CIVIL | ELECTRICAL | STRUCTURAL | MEP

376 LANDA STREET  
 NEW BRAUNFELS, TX 78130  
 830.629-2988 PH | 830.228.4197 FX  
 FIRM F1-394  
 WWW.MSENGR.COM

May 5, 2016

Thomas Hornseth, P.E.  
 Comal County Engineers Office  
 195 David Jonas Drive  
 New Braunfels, TX 78132

RECEIVED  
 MAY 05 2016  
 COUNTY ENGINEER

Re: Vintage Oaks at the Vineyard, Unit 10

Dear Mr. Hornseth,

The roads and drainage improvements in the above referenced unit of the subdivision have been completed in general conformance with the plans and specifications for the project. The safety concerns to the private road entrance to Unit 10 were addressed. The shoulder slopes off the roadway are a concern in the area just past the gated entryway on Via Principale. The 650 lineal feet of Guardrails (MBGF-11 Metal Beam Guard Fence) are an addition to this area of roadway. The slopes on opposite side of the roadway was field verified to be less than 3:1. See attached Exhibit A and details.

I recommend that the Vintage Oaks at the Vineyard Unit 10 construction be accepted by the County. All inspections of such improvements are complete, and M&S recommends that the County accept the improvements.

Enclosed please find one copy of the "AS-BUILT" drawings of the construction drawings for this unit. Please notify me when the county has made final acceptance of this construction so that Southstar Communities may make final payment to the contractor.

This completes the construction of the Unit 10 improvements and the developer hereby requests release of the surety provided for this work.

If you have any questions or require additional information, please call me at (830)629-2988.

Sincerely,

Heath L. Woods, P.E.  
 Civil Department Manager



Cc: Kristina Denham

PAGE 1 OF 1

CIVIL • ELECTRICAL • SURVEYING  
 A FULL SERVICE COMPANY

**CONSTRUCTION BOND**

Bond # 1118546

DATE OF ISSUANCE: September 9, 2015

DATE OF EXPIRATION: September 9, 2016

**STATE OF TEXAS**

**COUNTY OF COMAL**

RECEIVED  
SEP 30 2015  
COUNTY ENGINEER

**KNOW ALL MEN BY THESE PRESENTS:**

That we, Southstar Communities, LLC, the undersigned subdivider, as Principal, and Lexon Insurance Company, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto Comal County, a County in and for the State of Texas, in the full and just sum of Five Hundred Thirty-Nine Thousand One Hundred Eleven and 00/100 Dollars (\$539,111.00) for Roadway Construction and One Hundred Twenty-One Thousand Nine Hundred Sixty-Two and 36/100 Dollars (\$121,962.36) for Storm Water Drainage Construction, for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the Commissioners' Court of Comal County for permission to develop a subdivision within the jurisdiction of Comal County, Texas, more particularly described as follows, to wit: Vintage Oaks at the Vineyard Unit 10.

WHEREAS, under the provisions of the Comal County Subdivision control regulations adopted as of December 5, 1985, as it pertains to road construction, and April 16, 2001, as it pertains to storm water drainage improvements, Comal County requires a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will construct, or cause to be constructed, according to the requirements of such subdivision control regulations, the following site improvements within one (1) year after approval of the plat of such subdivision: Construction of 4,021 linear feet of County Grade Asphalt Road, and storm water drainage improvements, in accordance with requirements of Comal County Subdivision Regulations and any other site improvements as required in the Comal County Road Department Standards.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall not, on or before 8/10/2016 (30 days prior to the expiration date), construct or cause to be constructed, the above mentioned Improvements and have construction verified in writing by the County Engineer and communicated to Commissioners Court, then Commissioners Court may exercise its right to demand payment of the amount

specified herein. This bond shall be released by Comal County following the completion and acceptance of all construction as specified above.

IN TESTIMONY WHEREOF, WITNESS OUR HAND AND SEAL, this 9th day of September, of 2015.

**Southstar Communities LLC**



Thad Rutherford, Chief Operating Officer

**Lexon Insurance Company**



Sandra L. Fusinetti, Attorney-in-Fact

APPROVED AND ACCEPTED this the 15 day of October, 2015.

**COMAL COUNTY, TEXAS**

By:

Title:

  
Acting County Judge

DRAFT

POWER OF ATTORNEY

LX-257327

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that LEXON INSURANCE COMPANY, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Jackie C. Koestel, Lynnette Long, Amy Meredith, Deborah Neichter, Jessica Nowlin, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Wortham its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of LEXON INSURANCE COMPANY on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$4,000,000.00, Four Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, LEXON INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.



RECEIVED

SEP 28 2015

COUNTY ENGINEER

LEXON INSURANCE COMPANY

BY

Signature of David E. Campbell, President

David E. Campbell, President

ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of LEXON INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR, Notary Public - State of Tennessee, Davidson County, Mv Commission Expires 07-08-19

BY

Signature of Amy Taylor, Notary Public

Amy Taylor, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of LEXON INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 9th Day of September, 2015.



BY

Signature of Andrew Smith, Assistant Secretary

Andrew Smith, Assistant Secretary

WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.



12890 Lebanon Road  
Mt. Juliet, TN 37122  
Phone: 615-553-9500

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SEP 04 2015  
COUNTY ENGINEER

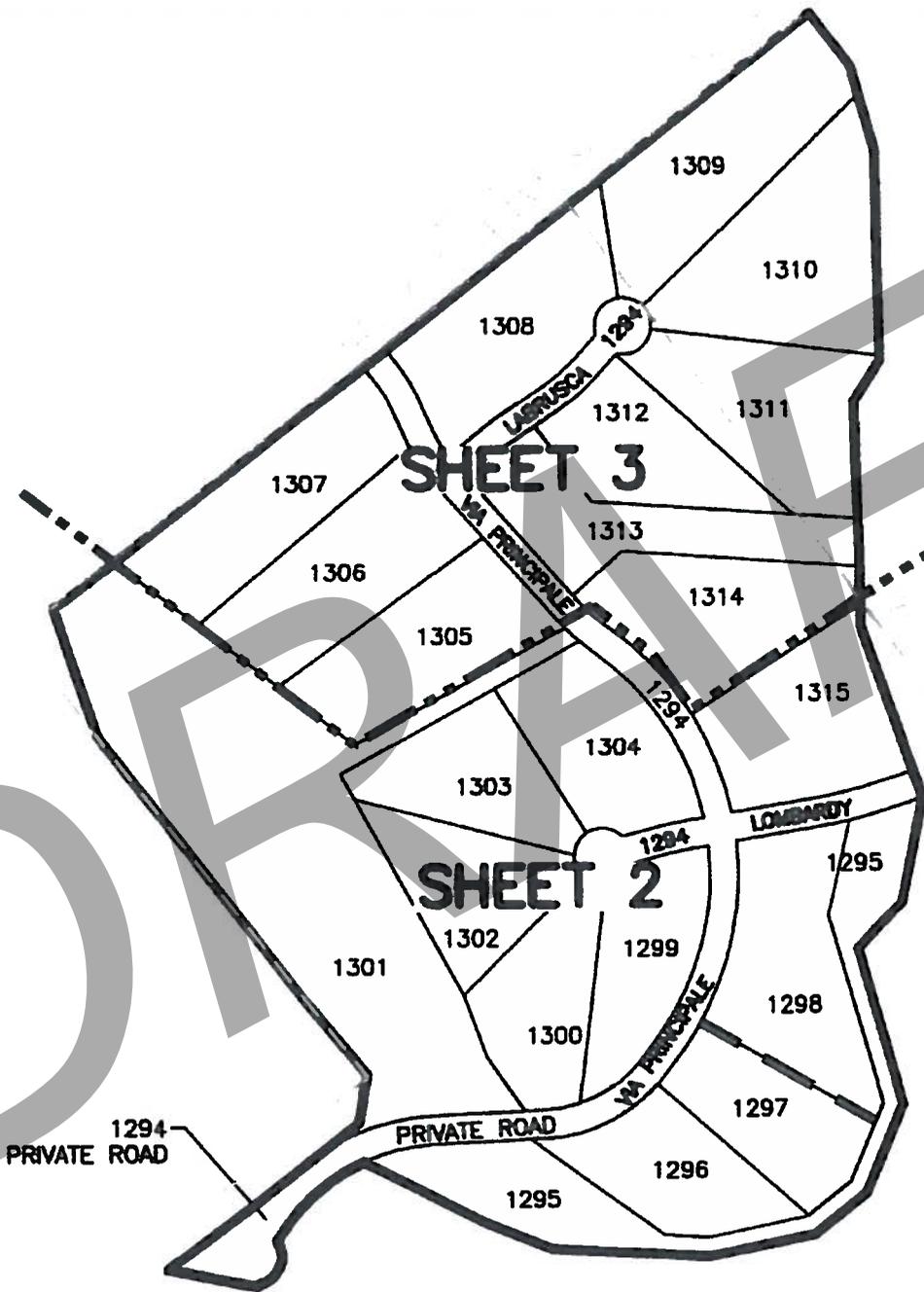
Date: August 25, 2015

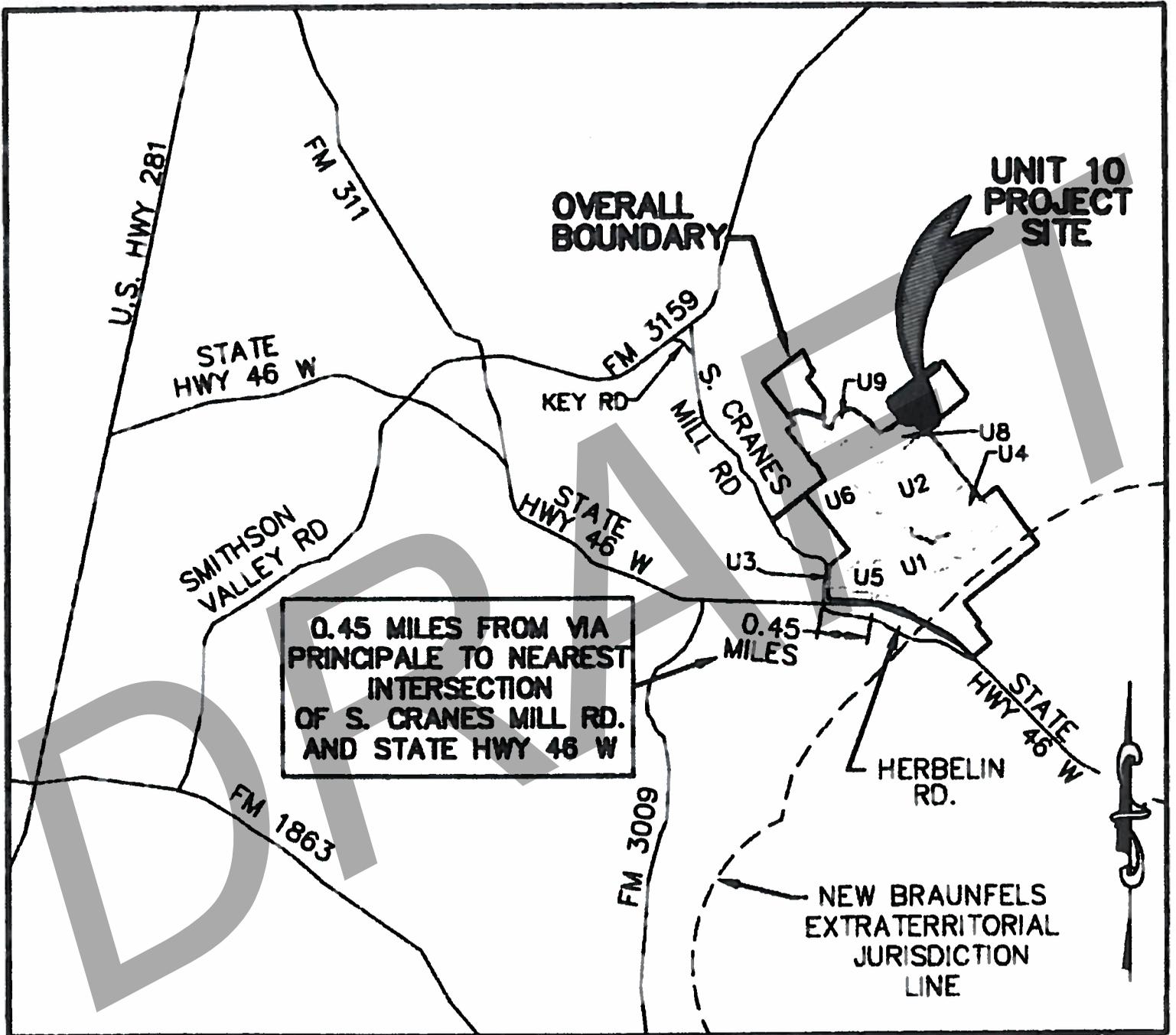
To: Comal County  
150 N. Sequin #301  
New Braunfels, TX 78130

**Principal: Southstar Communities LLC**  
**Bond: Vintage Oaks at the Vineyard Unit 10**

1. Lexon Insurance Company, 12890 Lebanon Road, Mt. Juliet, TN 37122
2. Christopher M. Parrish, Director of Construction Claims, [cparrish@lexonsurety.com](mailto:cparrish@lexonsurety.com)  
615-553-9528 (office)/615-856-1697 (cell), 615-553-9502 (fax)
3. Bill Precious, [bprecious@smithmanus.com](mailto:bprecious@smithmanus.com), Smith Manus, 2307 River Road, Suite 200,  
Louisville, KY 40206, 502-238-1252 (office), 502-238-1253 (fax)
4. Lexon – 8:00 – 5:00, Smith Manus – 8:30 – 5:00

DRAFT





# LOCATION MAP

NOT TO SCALE