

## Comal County

OFFICE OF COMAL COUNTY ENGINEER

October 5, 2014

Commissioner Scott Haag  
Comal County Precinct 2  
150 N. Seguin Ave.  
New Braunfels, TX 78130

Re: COPPER RIDGE, PHASE 4, within Comal County, Texas

Dear Commissioner Haag:

According to the provisions of the *Interlocal Agreement Between Comal County and City of New Braunfels for Subdivision Regulation Within the Extraterritorial Jurisdiction of the City of New Braunfels*, the City has informed us of the completion of private roads and other private site improvements within the referenced subdivision.

Please find copies of the following documents attached:

- Letter from the City of New Braunfels' Public Works Department certifying final completion of improvements.
- Copy of original surety and extension, Construction Bond Number 0657405. The surety for this subdivision expires May 1, 2017.

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

We have reviewed all items and now recommend that Commissioners Court acknowledge the completion of said private improvements and release the associated surety. We are requesting placement of this item on the Commissioners Court agenda for action on October 13, 2016. If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

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

xc: City of New Braunfels Planning Department  
City of New Braunfels Public Works Department



PUBLIC WORKS

Engineering Division  
424 S. Castell Ave  
New Braunfels, TX 78130  
Tel: (830) 221-4020  
Fax: (830) 626-3600

**CERTIFICATE OF FINAL COMPLETION AND APPROVAL  
CITY OF NEW BRAUNFELS EXTRATERRITORIAL JURISDICTION**

**September 9, 2016  
Copper Ridge, Phase 4  
SC2014-0015**

RECEIVED  
SEP 20 2016

COUNTY ENGINEER

**Engineer:**  
Garrett Keller, P.E.  
Matkin-Hoover  
8 Spencer Rd, S100  
Boerne, TX 78006  
GKeller@matkinhoover.com

**Contractor:**  
Troy Hargroder  
Du-Mor Enterprises  
7626 Grissom Rd.  
San Antonio, TX 78251  
troyhargroder@yahoo.com

**Developer:**  
Dan Mullins  
Southerland Development  
110 River Crossing Road, Suite 1  
Spring Branch, TX 78070  
dmullins@southlp.com

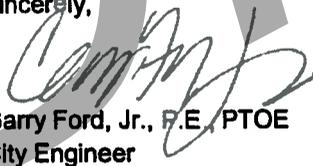
A Final Completion inspection of the project was conducted **September 7, 2016**, and the work appeared to be complete in accordance with the Plans and Specifications. All construction documents submitted to the City during construction of the project appear to meet or exceed the City of New Braunfels subdivision specifications as to materials and construction methods.

Therefore, the streets and drainage as constructed are accepted by the City of New Braunfels as of **September 9, 2016**. This date will serve as the starting date for the Two Year Maintenance Bond on the street and drainage construction materials and workmanship. The above referenced improvements are private and will not be publicly owned or maintained. The above referenced improvements are outside of the City Limits and are not accepted as City Right of Way.

The City will conduct annual Warranty inspections during this Two Year Warranty period. These will occur on or before the anniversary date of the Final Completion of the project and shall generate a list of all non-conforming work requiring correction at that time. The contractor shall attend this Warranty Inspection and receive this list and correct all items within thirty days.

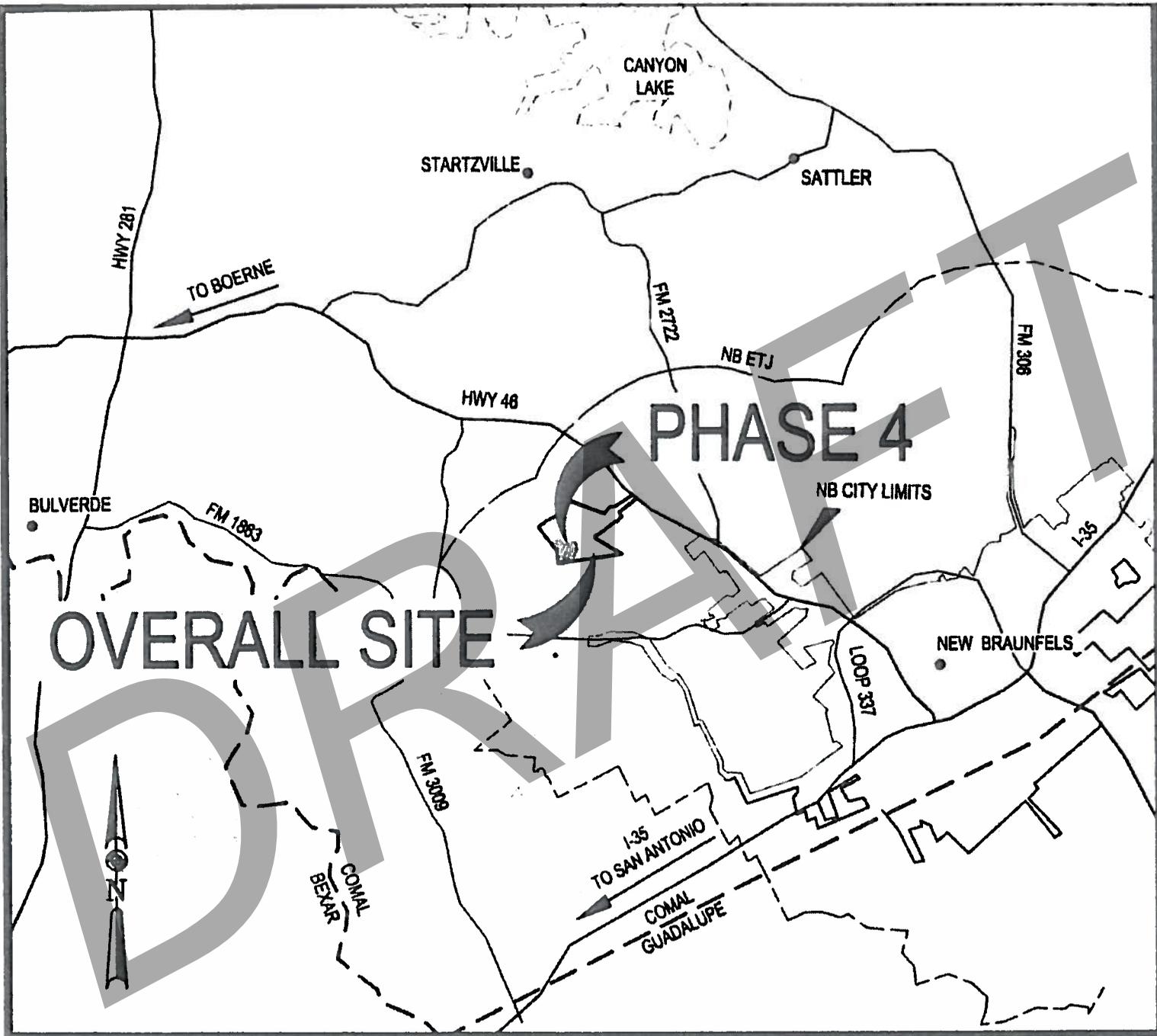
If you require further information, feel free to contact the Engineering Division at (830) 221-4020.

Sincerely,

  
Garry Ford, Jr., P.E., PTOE  
City Engineer

GF/mr

cc: Public Works Department: Greg Malatek, John Cox, Mike Mundell, Donald Moreno  
Comal County: Tom Hornseth, Betty Lien  
Planning Department: Chris Looney, Robert Kinsey  
Fire Department: Kenneth Jacks  
Police Department: Tom Wibert  
New Braunfels Utilities: Ian Taylor



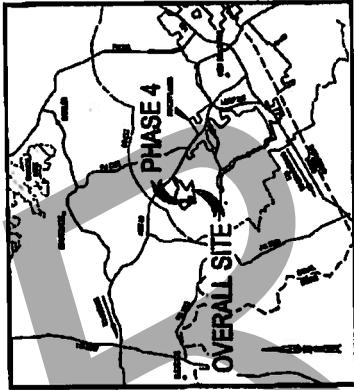
LOCATION MAP

NTS

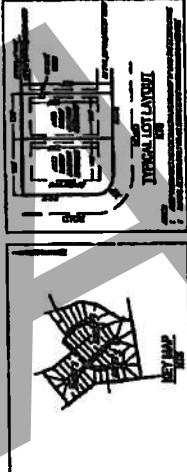
# FINAL PLAT FOR ESTABLISHING COPPER RIDGE, PHASE 4

JUL 25 2014  
Recorded

SEMI-AUTOMATIC TRACT OF LAND LOCATED IN THE AREA DESCRIBED BY AS, THE INTERESTED PARTIES, HAS BEEN  
 PARTIALLY SUBDIVIDED INTO LOTS, BLOCKS AND PHASES, AND THE SAME ARE HEREBY OFFERED FOR SALE TO THE  
 PUBLIC IN THE COUNTY OF TARRANT, TEXAS, AND SAID SAID TRACT BEING A PORTION OF THE ORIGINAL TRACT  
 OF LAND DESCRIBED IN INSTRUMENT NO. 10-10-10-10-10, OFFICIAL RECORDS, COUNTY CLERK, TARRANT.



OVERALL SITE



LOCAL MAP

**OWNER'S AFFIDAVIT**  
 I, the undersigned owner of the land shown on this plat, and designated herein as  
 the owner, do hereby certify that the land shown on this plat is the same as that described  
 in the instrument referred to in the foregoing recitals, and that the same is being offered  
 for sale to the public in the County of Tarrant, Texas, and that the same is being offered  
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 for sale to the public in the County of Tarrant, Texas.

**STATE OF TEXAS**  
 COUNTY OF TARRANT  
 I, the undersigned, County Clerk of Tarrant County, Texas, do hereby certify that the  
 foregoing plat has been recorded in my office in accordance with the provisions of the  
 laws of the State of Texas, and that the same is a true and correct copy of the  
 original as filed in my office.

**NOTICE TO THE PUBLIC**  
 The undersigned, County Clerk of Tarrant County, Texas, do hereby certify that the  
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**REMARKS**  
 FOR THE PURPOSES OF CONVEYING, RECORDING, INDEXING, MAPPING, AND OTHERWISE  
 IDENTIFYING THE LAND SHOWN ON THIS PLAT, THE UNDERSIGNED PARTIES, HAS BEEN  
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 OFFICIAL RECORDS, COUNTY CLERK, TARRANT.

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 OFFICIAL RECORDS, COUNTY CLERK, TARRANT.



SHEET 1 OF 4

Planning Commission approved 8-5-14 with conditions









**CHANGE RIDER  
INTERNATIONAL FIDELITY INSURANCE COMPANY**

Rider to be attached to and part of Bond Number **0657405** dated the **1st** day of **May, 2015** executed by **International Fidelity Insurance Company** (the "Surety") on behalf of **Southerland Communities NB Land Properties, LTD** (the "Principal") in favor of **Comal County, a County in and for the State of Texas** (the "Obligee")

The Principal and the Surety hereby consent to changing the attached bond as follows:

**Expiration of Bond extended to May 1, 2017**

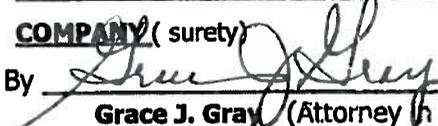
This change is effective **22nd** day of **March 2016**. The attached bond shall be subject to all of its terms, conditions and limitations except as herein modified. Signed, sealed and dated this **22nd** day of **March 2016**

WITNESS or ATTEST:

**Southerland Communities NB Land Properties, LTD, a Texas Limited Partnership**  
(Principal)

By  (Seal)  
**Timothy D. Smith, Treasurer**  
**American Land Partners, Inc., Manager**  
**National Land Partners LLC, Manager**

**INTERNATIONAL FIDELITY INSURANCE COMPANY** (surety)

By  (Seal)  
**Grace J. Gray (Attorney in Fact)**

ACCEPTED

 (Obligee)  
Name SHERMAN KRAUSE  
Title COUNTY JUDGE  
Date 4/14/2016

Bond No. 0657405

**CONSTRUCTION BOND**

**DATE OF ISSUANCE: May 1, 2015      DATE OF EXPIRATION: May 1, 2016**

**STATE OF TEXAS §**

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF COMAL §**

**That we, Southerland Communities NB Land Properties, LTD, a Texas Limited Partnership, 110 River Crossing Blvd, Suite 1, Spring Branch, TX 78070, the undersigned subdivider, as Principal, and International Fidelity 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 One Million Ninety Nine Thousand One Hundred Sixty Six Dollars and 68/100**

**(\$1,099,166.68), 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 entitled: Copper Ridge, Phase 4**

**WHEREAS, under the provisions of the Comal County Subdivision control regulations adopted as of December 5, 1985, 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 said subdivision: Construction of 3,855 linear feet of Asphalt road that complies with the City of New Braunfels standards 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 the 1st day of April 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.**

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**MAY 08 2015**

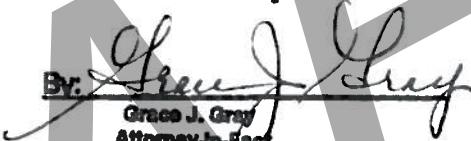
**COUNTY ENGINEER**

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this, the 1st day of May, 2015.

**Southerland Communities  
NB Land Properties, LTD, a Texas  
Limited Partnership**

By:   
Timothy D. Smith, Treasurer  
American Land Partners, Inc., Manager  
National Land Partners, LLC, Manager

**International Fidelity Insurance Company  
Surety**

By:   
Grace J. Gray  
Attorney-in-fact

APPROVED AND ACCEPTED, this the 21st day of MAY, 2015.

**COMAL COUNTY, TEXAS**

By:   
COMAL COUNTY JUDGE  
Title

# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

KATHLEEN M. O'BRIEN, TIMOTHY R. DOLAN, DONNA M. BISHOP, GRACE J. GRAY

North Adams, MA.

their true and lawful attorney(s)-in fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, Executive Vice President or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation, and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Executive Vice President/Chief Operating Officer  
(International Fidelity Insurance Company)  
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 27, 2014

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

1<sup>st</sup>

day of May, 2015

MARIA BRANCO, Assistant Secretary



ALLEGHENY CASUALTY COMPANY  
INTERNATIONAL FIDELITY INSURANCE COMPANY

May 1, 2015

REF: Southerland Communities, NB Land Patterns, LTD  
Bond # 6887408

TO: Comal County, State of Texas

Claims Office - Northeast Division  
International Fidelity Insurance Co.  
2570 Boulevard of the Generals  
Suite #125  
Norristown, PA 19403

Contact:  
Kathleen Maloney, Sr. Claims Representative  
Tel.# 610-205-5230  
Fax # 610-630-6340  
Email: [kmaloney@ific.com](mailto:kmaloney@ific.com)

Alternate:  
Frank Tanzola, Vice President  
International Fidelity Insurance Company  
One Newark Center, 20<sup>th</sup> Floor  
Newark, New Jersey 07102  
Tel.# 973-624-7200 ext.216  
Fax# 973-623-8006  
Email [Ftanzola@ific.com](mailto:Ftanzola@ific.com)

Hours of Operation:  
8am to 5pm

RECEIVED

MAY 08 2015

COUNTY ENGINEER