



**Roll Call Number**

**Agenda Item Number**

14

**Date** July 13, 2020

**RESOLUTION ACCEPTING PUD RESTORATION BOND FOR CASEY'S GENERAL STORE ON SW 9<sup>TH</sup> STREET FINAL DEVELOPMENT PLAN**

WHEREAS, on May 18, 2020, the City Council approved a PUD Final Development Plan "Casey's Store No. 1192" for 3200 SW 9th Street; and,

WHEREAS, Casey's Marketing Company, is seeking a Grading Permit for construction on a PUD Final Development Plan "Casey's Store No. 1192" for property located at 3200 Southwest 9th Street: and,

WHEREAS, the City Engineer has approved the amount of the security.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. PUD Restoration Bond No. IAC590462 from Merchants Bonding Company, in the amount of \$27,825 is hereby accepted and approved as adequate security for the restoration of the site to be developed at 3200 Southwest 9th Street.

2. The City Clerk is hereby directed to hold the bond as security for the restoration of the project site until otherwise directed.

( Council Communication No. 20- 303 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk



# Merchants Bonding Company

2100 FLEUR DRIVE • DES MOINES, IOWA 50321-1158

Bond Number IAC590462

## PUD RESTORATION BOND

Know all men by these presents:

THAT we, Casey's Marketing Company  
as Principal, and MERCHANTS BONDING COMPANY (MUTUAL) of Des Moines, Iowa (hereinafter called  
the Surety) are held and firmly bound unto the City of Des Moines, Iowa,  
Twenty-seven Thousand Eight Hundred  
as Obligee, in the penal sum of Twenty-five & no/100ths dollars (\$ 27,825.00 ),  
lawful money of the United States to the payment of which sum well and truly to be made, the Principal  
herein firmly binds himself (themselves), their heirs, executors, and administrators, and the said Surety  
binds itself, its successors, assigns, executors and administrators, jointly and severally, firmly by these  
presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, THAT, whereas the above bounden Principal is  
plattting certain lots entitled Casey's General Store on SW 9th Street  
being an official plat lying within the City of City of Des Moines  
County of Polk, State of Iowa.

WHEREAS, the above bounden Principal has agreed with the Obligee to install the following  
improvements:

Grading	4000 CY @	\$ 5.00 /CY =	\$20,000
Silt Fence	500 LF @	\$ 3.00 /LF =	\$ 1,500
Inlet/Outlet Protection	7 EA @	\$ 250.00 /EA =	\$ 1,750
Seeding & Mulching	2 AC @	\$ 1,500.00 /AC =	\$ 3,000
Engineering & Inspection	\$26,250 @ 6%	=	\$ 1,575

ALL such improvements to be completed in accordance with an agreement between the Principal and  
the Obligee.

NOW, if the Principal shall in all respects fulfill his said obligation according to the terms thereof, and shall  
satisfy all claims and demands incurred for same, and shall fully indemnify and save harmless the Obligee  
from all costs and damages which it may suffer by reason of failure to do so and shall fully reimburse and  
repay the Obligee all outlays and expenses which it may incur in making good any such default, then this  
obligation is to be void and of no effect; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 2nd

day of June, 2020.

Casey's Marketing Company

Principal

[Signature]

MERCHANTS BONDING COMPANY (MUTUAL)

By Nancy D. Baltutat  
Attorney-in-Fact Nancy D. Baltutat

**MERCHANTS**  
**BONDING COMPANY**<sup>TM</sup>  
**POWER OF ATTORNEY**

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, Individually, Christopher R Seiberling; Daniel M Molyneaux; Greg T LaMair; Jeffrey R Baker; Jill Shaffer; Joseph I Schmit; Nancy D Baltuta; Patrick K Duff

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

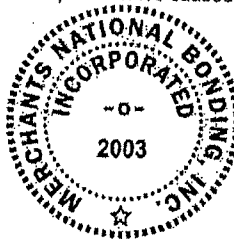
"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 13th day of May, 2020.

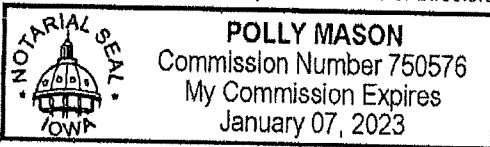


MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this 13th day of May 2020, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



*Polly Mason*

Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 2nd day of June, 2020.



*William Warner Jr.*

Secretary