



LFUCG Division of Water Quality  
 Construction Management  
 125 Lisle Industrial Ave., Suite 180  
 Lexington, Kentucky 40511  
 Phone (859) 425-2087 Fax (859) 425-2461

## LETTER OF TRANSMITTAL

**Date:** 9/12/2017

**Attn:** Sharon Jones

**To:** Council Clerk's Office  
Government Center  
200 E. Main Street  
Lexington, KY 40507

**Job:** Marquis Avenue Sanitary Sewer  
Replacement Project, Bid No. 62-2016  
Contract No. 188-2016  
Resolution No. 421-2016

We are sending you:  Enclosed  Under Separate Cover Via: \_\_\_\_\_

The following items:  Plans  Shop Drawings  Other:  
 Specifications  Change Order **Original Warranty Bond**  
 Prints  Copy of Letter

Copies	Date	No.	Description
1	07/17/17	1	Warranty Bond Number 7874963 for the Marquis Avenue Sanitary Sewer Replacement Project, Bid No. 62-2016

These are transmitted as checked below:

For approval  Approved as submitted  Submit  
 For your use  Approved as noted  Resubmit  
 As requested  Returned for corrections  Return  
 For review and comment  Other \_\_\_\_\_

**Remarks:** Please retain this original warranty bond with the original contract documents.

**Copy To:** \_\_\_\_\_ **By:** Elizabeth Sebren

**WARRANTY BOND**

KNOW ALL MEN BY THESE PRESENTS, that

Free Contracting, Inc.

(Name of CONTRACTOR)

1620 Old Frankfort Pike, Lexington, KY 40504

(Address of CONTRACTOR)

a \_\_\_\_\_ Corporation, hereinafter  
(Corporation, Partnership, or Individual)

called Principal, and \_\_\_\_\_ Ohio Farmers Insurance Company  
(Name of Surety)

10300 Alliance Road, Ste 260, Cincinnati, OH 45242

(Address of Surety)

hereinto called Surety, are held and firmly bound unto

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
200 East Main Street, Third Floor  
Lexington, Kentucky 40507

Obligee, hereinafter called "OWNER" in the penal sum of: Twenty Three Thousand Six Hundred

Sixty Nine Dollars and 00/100 dollars (\$ 23,669.00),

for the payment of whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents. The warranty bond shall be in the amount of five percent (5%) of the final construction cost amount (based on contractor's final pay request).

WHEREAS, Principal by written agreement is entering into an Agreement (Contract) with OWNER for the Marquis Avenue Sanitary Sewer Replacement Project, LFUCG Bid No. 62-2016 in accordance with Contract Documents prepared by \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_, which Agreement (Contract) is by reference made a part hereof, and is hereinafter referred to as the Agreement (Contract).

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that, if the Principal shall well and faithfully do and perform the required maintenance and shall indemnify and save harmless the OWNER against all claims, loss or damage, and expenses of reconstruction or additional work required to restore the Project to its acceptable condition within a period of one (1) year from the date of acceptance by OWNER of the Project, then this obligation shall be void; otherwise, it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the OWNER.

Any suit under this bond must be instituted before the expiration of one (1) year from the date on which final payment under the Contract falls due.

No right of action shall accrue on this Bond to or for the use of any person or corporation other than the OWNER named herein or the heirs, executors, administrators, successors, or assigns of the OWNER.

THIS POWER OF ATTORNEY SUPERCEDES ANY PREVIOUS POWER BEARING THIS SAME POWER # AND ISSUED PRIOR TO 03/23/17, FOR ANY PERSON OR PERSONS NAMED BELOW.

POWER NO. 1673552 00

General Power of Attorney

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint SANDY Q. BLACK, CHRIS P. BARNETT, PAULA J. HARDIN, KAREN MARSHALL, JOINTLY OR SEVERALLY

of LEXINGTON and State of KY its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary.

Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 23rd day of MARCH A.D., 2017.

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

By: Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio County of Medina ss.:

On this 23rd day of MARCH A.D., 2017, before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



David A. Kotnik, Attorney at Law, Notary Public

My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 17th day of July A.D., 2017.



Frank A. Carrino, Secretary