

DEVELOPMENT - PAVING, WATER MAINS, STORM AND SANITARY SEWERS

Bond Number: 30182097

MAINTENANCE BOND

KNOW ALL BY THESE PRESENTS that we, H & H Plumbing & Utilities, Inc., as Principal, and Western Surety Company, as Surety, are held and firmly bound unto the City of Midwest City, Oklahoma, a municipal corporation in the state of Oklahoma, in the full and just sum of Six Thousand Two Hundred Ninety Two and 83/100 (\$ 6,292.83 ), such sum being not less than ten percent (10%) of the total contract price to construct or install Sanitary Sewer - 10601 SE 15th Street (the "Improvement"), for a period of 1 year years after acceptance of the improvement by the City Council of the City of Midwest City (the "Maintenance Period"), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, jointly and severally, firmly by these presents:

The conditions of this obligation are such that the Principal has by a certain contract between the Principal and Element Homes LLC dated the 7th day of February, 2023, agreed to construct or install the Improvement in the City of Midwest City and to maintain the Improvement against any failures due to defective materials or workmanship during the Maintenance Period.

NOW, THEREFORE, if the Principal, during the Maintenance Period, shall maintain the Improvement against any failures due to defective materials or workmanship, then this obligation shall be void; otherwise it shall remain in full force and effect.

It is further agreed that if the Principal or the Surety shall fail to maintain the Improvement against any failures due to defective materials or workmanship for the Maintenance Period, and at any time repairs shall be necessary, that the cost of making the repairs shall be determined by the City Council of the City of Midwest City, or some person or persons designated by them to ascertain the cost of making the repairs. If, upon thirty (30) days notice, the Principal or the Surety do not make the repairs or pay the amount necessary to make the repairs, the amount necessary to make the repairs shall be due upon the expiration of thirty (30) days, and suit may be instituted to obtain the amount necessary to make the repairs and shall be conclusive upon the parties as to the amount due on this bond to make the repairs, and that the cost of all repairs shall be so determined from time to time during the Maintenance Period, as the condition of the Improvement may require.

Signed, sealed, and delivered this 7th day of February, 2023

ATTEST: [Signature] Secretary

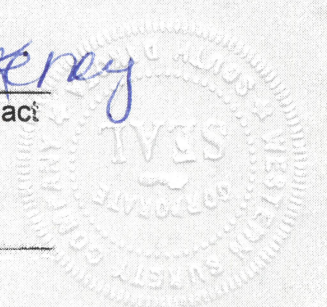
H & H Plumbing & Utilities, Inc. Principal By [Signature]

ATTEST: [Signature] Secretary

Western Surety Company Surety By [Signature] Melanie Ankeney Attorney-in-Fact

Approved as to form and legality this 13th day of June, 2023 [Signature] City Attorney

Accepted by the City Council of the City of Midwest City this 13th day of June, 2023 [Signature] City Clerk [Signature] Mayor



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**David J McKee, Ted H Rarrick, Melanie Ankeney, Jennifer Castillo, Patrick R Hedges, Joseph A Clarken III, Individually**

of Phoenix, AZ, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 19th day of June, 2021.



WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 19th day of June, 2021, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 7<sup>th</sup> day of February, 2023.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Go to [www.cnasurety.com](http://www.cnasurety.com) > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.



OWNER'S AFFIDAVIT OF ACCEPTANCE & CONTRACTOR'S LIEN WAIVER

PROJECT NAME: Sanitary Sewer  
PROJECT LOCATION: 10601 SE 15th Street, Midwest City, OK  
TYPE OF CONSTRUCTION: Sanitary Sewer

OWNER'S AFFIDAVIT OF ACCEPTANCE

I, the undersigned, hereby certify that the above construction was performed in an acceptable manner satisfactory to the owner of the above project and certify the cost of such project is \$62,928.25 less the City of Midwest City, Engineering Division Inspection Fees.

By [Signature] Date: 5-18-23  
OWNER

STATE OF Oklahoma )  
 )ss.  
COUNTY OF Oklahoma )

Before me, the undersigned Notary Public in and for the state and county aforesaid, on this 18 day of May, 2023, personally appeared Joel Bryant to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes herein set forth.

My Commission Expires: 8/19/24 Monica Tidwell  
NOTARY PUBLIC



CONTRACTOR'S LIEN WAIVER

This is to certify that all expenditures for labor and material for the construction of the above project has been paid. We, the undersigned, do here by waive and release all of our rights, claims and lien rights against this installation and improvements so constructed.

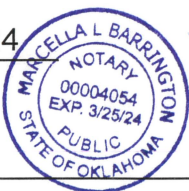
By [Signature] Date: May 18, 2023  
CONTRACTOR

STATE OF Oklahoma )  
 )ss.  
COUNTY OF McClain )

Before me, the undersigned Notary Public in and for the state and county aforesaid, on this 18th day of May, 2023, personally appeared Carl Hendrix to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as a free and voluntary act and deed for the uses and purposes herein set forth.

My Commission Expires: 3/25/2024 Marcella L Barrington  
NOTARY PUBLIC

My Commission #00004054



# H & H Plumbing & Utilities, Inc.

Lic. No.  
OK 076003

381 W. Adkins Hill Road, Norman, OK 73072-9218  
(405) 288-2346 (405) 288-2349 FAX


Sheet (1) of (1)

Contractor: Element Homes LLC Ph.#: 405-550-4349 Project: Sanitary Sewer  
Address: 10601 SE 15th Street Fax #: \_\_\_\_\_ Address: 10601 SE 15th Street  
Midwest City, OK 73130 Email: \_\_\_\_\_ Midwest City, OK

Labor, materials, taxes, permits, staking, and maintenance bonds for a complete **Sanitary Sewer** installation as described on the plans and outlined below.

## Public Sanitary Sewer

ITEM #	ITEM	UNIT	Qty	PRICE	TOTAL
1	8" Sanitary Sewer SDR-35	LF	405	23.00	9,315.00
2	STD 4' Diam Manhole	EA	4	2,900.00	11,600.00
3	Extra Depth Manhole	VF	7.35	275.00	2,021.25
4	8"x4" WYE w/ 1/8 Bend	EA	2	175.00	350.00
5	4" Riser	VF	18	15.00	270.00
6	Crushed Rock Bedding	CY	83	65.00	5,395.00
7	Bore w/ Steel Encasement for 8" Main	LF	59	375.00	22,125.00
8	Trenching Depth 6'-8'	LF	254	10.00	2,540.00
9	Trenching Depth 8'-10'	LF	151	12.00	1,812.00
10	Leakage Test	LS	1	2,500.00	2,500.00
11	Deflection Test	LS	1	2,500.00	2,500.00
12	Manhole Test	LS	1	2,500.00	2,500.00
					<b>62,928.25</b>
	Inspection fees				<b>1,258.57</b>
	Maintenance bonds				<b>125.00</b>
					<b>64,311.82</b>

Submitted By: 

Contract Amount \$ 64,311.82  
Title: Vice President Date: 2/7/2023

Accepted By: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF MIDWEST CITY  
\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: MIDWAMD                      2/10/23 03                      Receipt no: 129861

	Type	SvcCd	Description	Amount
	E5		ENGINEERING FEES	
		Qty	1.00	\$1258.57
SEWER 10601 SE 15				
Trans number:				5114928
FEES / ENGINEERING			01000003771520	

Tender detail

CK Ref#:	3385	\$1258.57
Total tendered:		\$1258.57
Total payment:		\$1258.57

Trans date: 2/10/23                      Time: 11:29:28

THANK YOU FOR YOUR PAYMENT