When recorded, return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. _____

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS ACCEPTING INTO THE PINAL COUNTY HIGHWAY MAINTENANCE SYSTEM THE STREETS ASSOCIATED WITH AMARILLO CREEK UNIT 1 PARCEL 5, LOCATED IN SECTION 17, TOWNSHIP 5 SOUTH, RANGE 3, EAST, SUPERVISORY DISTRICT 1, RELEASING THE CURRENT FINANCIAL ASSURANCE(S), AND ACCEPTING MAINTENANCE BOND NO. LICX1981022.

WHEREAS, pursuant to A.R.S. § 11-822, Pinal County has authority to accept subdivision streets into the Pinal County Highway Maintenance System; and,

WHEREAS, this matter has been brought before the Pinal County Board of Supervisors (the "**Board**") by a request by the subdivision developer (the "**Developer**") and recommended by the Director of Public Works; and,

WHEREAS, the Pinal County Department of Public Works (the "**Department**") has found as follows:

1. All required subdivision improvements for Amarillo Creek Unit 1 Parcel 5 have been completed in accordance with Pinal County standards of design and construction (the "**Subdivision Improvements**");

2. Street and drainage design is in accordance with Pinal County standards for design and construction;

3. Construction of the Subdivision Improvements has been monitored by the Department;

4. Certified as-built Mylars have been submitted by the Developer and accepted by the Department;

5. The required pavement finishing fee has been accepted by the Department;

6. Street rights-of-way have been duly dedicated; and

WHEREAS, provision has been made by law and ordinance whereby the Developer shall provide security to guarantee against damage to the Subdivision Improvements by on-site construction for a period of one year after acceptance of the Subdivision Improvements by the Board.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED that the Subdivision Improvements are hereby accepted.

BE IT FURTHER RESOLVED, that the streets identified and dedicated to the public in the Final Plat for Amarillo Creek Unit 1 Parcel 5, located in Section 17, Township 5 South, Range 3 East, Pinal County, Arizona are hereby accepted into the Pinal County Highway Maintenance System.

BE IT FURTHER RESOLVED, that Amarillo Creek Unit 1 Parcel 5 is hereby released from the Subdivision Improvement Performance Bond for Construction of Subdivision Improvements (No. SU1177134).

BE IT FURTHER RESOLVED, that Maintenance Guarantee Bond No. LICX1981022 in the amount of One Hundred Fifteen Thousand Nine Hundred Forty Six Dollars and 00/100 ($115,946.00) issued by Lexon Insurance Company attached hereto as **Exhibit "A"** is hereby accepted upon execution of this Resolution.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon its recording with the Office of the County Recorder, Pinal County, Arizona.

PASSED AND ADOPTED this _____ day of _____, 2024, by the PINAL COUNTY BOARD OF SUPERVISORS.

_____
Chair of the Board

ATTEST:

_____
Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

EXHIBIT "A"
TO
RESOLUTION NO. _____

[Maintenance Guarantee Bond No. LICX1981022]

Lexon Insurance Company

Surety's Name

MAINTENANCE BOND

Bond No. LICX1981022

KNOW ALL MEN BY THESE PRESENT, That we, Ashton Woods Construction, an Arizona limited liability company
Principle's Name

8655 E. Via De Ventura, Suite F-250, Scottsdale, Arizona 85258, hereinafter called Principal, and
Principal's Address

Lexon Insurance Company, 12890 Lebanon Road, Mt. Juliet, TN 37122,
Surety's Name Surety's Address

hereinafter called Surety, are held and firmly bound unto Pinal County, Arizona
Obligee's Name

85 North Pinal Street, PO Box 2973, Florence, Arizona 85132, hereinafter called Obligee, in
Obligee's Address

the full and just sum of One Hundred Fifteen Thousand, Nine Hundred Forty-Six and .00/100 Dollars ($115,946.00), lawful money of the United States, for the payment of which we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Obligee has entered into a certain agreement with Ashton Woods Construction, LLC.
Owner's Name

a portion of which requires a 1-year(s) maintenance bond covering workmanship and materials for the List of Improvements covered, hereinafter called Improvements, at Amarillo Creek Unit 1, Parcel 5 (FP20-042)
Project Name

South Half of Section 17, Township 5S, Range 3E, Pinal County, AZ which Improvements have been or
Project Address

are about to be completed and accepted.

NOW, THEREFORE, if said improvements shall be free from defects of workmanship and materials, general wear and tear excepted, for a period of 1 year(s) from the date of acceptance of said improvements, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed, sealed and dated this 6th day of June, 2024.

Witness as to Principal

Ashton Woods Construction, LLC
Principal's Name

By:

Witness as to Surety Alexa Costello

Lexon Insurance Company
Surety's Name

By:
James I. Moore, Attorney-in-Fact

SOMPO INTERNATIONAL
INSURANCE

POWER OF ATTORNEY

1079

KNOW ALL BY THESE PRESENTS, that **Endurance Assurance Corporation**, a Delaware corporation ("EAC"), **Endurance American Insurance Company**, a Delaware corporation ("EAIC"), **Lexon Insurance Company**, a Texas corporation ("LIC"), and/or **Bond Safeguard Insurance Company**, a South Dakota corporation ("BSIC"), each, a "Company" and collectively, "**Sompo International**," do hereby constitute and appoint: **James I. Moore, Stephen T. Kazmer, Dawn L. Morgan, Kelly A. Gardner, Jennifer J. McComb, Melissa Schmidt, Tariese M. Pisciotto, Diane Rubright, Amy Wickett, Martin Moss** as true and lawful Attorney(s)-In-Fact to make, execute, seal, and deliver for, and on its behalf as surety or co-surety; bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate the Company for any portion of the penal sum thereof in excess of the sum of **One Hundred Million Dollars ($100,000,000.00).**

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Company as fully and to the same extent as if signed by the President of the Company under its corporate seal attested by its Corporate Secretary.

This appointment is made under and by authority of certain resolutions adopted by the board of directors of each Company by unanimous written consent effective the 30th day of March, 2023 for BSIC and LIC and the 17th day of May, 2023 for EAC and EAIC, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the board of directors of each Company by unanimous written consent effective the 30th day of March, 2023 for BSIC and LIC and the 17th day of May, 2023 for EAC and EAIC and said resolution has not since been revoked, amended or repealed:

RESOLVED, that the signature of an individual named above and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, each Company has caused this instrument to be signed by the following officers, and its corporate seal to be affixed this 25th day of May, 2023.

Endurance Assurance Corporation
By: Richard Appel; SVP & Senior Counsel

Endurance American Insurance Company
By: Richard Appel; SVP & Senior Counsel

Lexon Insurance Company
By: Richard Appel; SVP & Senior Counsel

Bond Safeguard Insurance Company
By: Richard Appel; SVP & Senior Counsel

ACKNOWLEDGEMENT

On this 25th day of May, 2023, before me, personally came the above signatories known to me, who being duly sworn, did depose and say that he/they is an officer of each of the Companies; and that he executed said instrument on behalf of each Company by authority of his office under the by-laws of each Company.

By: Amy Taylor, Notary Public – My Commission Expires 3/9/27

CERTIFICATE

I, the undersigned Officer of each Company, DO HEREBY CERTIFY that:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of each Company and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with the original power of attorney, and that the same is a true and correct copy of the original power of attorney and of the whole thereof;
2. The following are resolutions which were adopted by the board of directors of each Company by unanimous written consent effective 30th day of March, 2023 for BSIC and LIC and the 17th day of May, 2023 for EAC and EAIC and said resolutions have not since been revoked, amended or modified:

   "RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Company any and all bonds, undertakings or obligations in surety or co-surety with others: RICHARD M. APPEL, MATTHEW E. CURRAN, MARGARET HYLAND, SHARON L. SIMS, CHRISTOPHER L. SPARRO,

   and be it further

   RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Company."
3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 6th day of June, 2024.

By: Daniel S. Lurie, Secretary

NOTICE: U. S. TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL (OFAC)

No coverage is provided by this Notice nor can it be construed to replace any provisions of any surety bond or other surety coverage provided. This Notice provides information concerning possible impact on your surety coverage due to directives issued by OFAC. **Please read this Notice carefully.**

The Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy, based on Presidential declarations of "national emergency". OFAC has identified and listed numerous foreign agents, front organizations, terrorists, terrorist organizations, and narcotics traffickers as "Specially Designated Nationals and Blocked Persons". This list can be located on the United States Treasury's website – https://www.treasury.gov/resource-center/sanctions/SDN-List.

In accordance with OFAC regulations, if it is determined that you or any other person or entity claiming the benefits of any coverage has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC, any coverage will be considered a blocked or frozen contract and all provisions of any coverage provided are immediately subject to OFAC. When a surety bond or other form of surety coverage is considered to be such a blocked or frozen contract, no payments nor premium refunds may be made without authorization from OFAC. Other limitations on the premiums and payments may also apply.

STATE OF ILLINOIS }
COUNTY OF DU PAGE}

On June 6, 2024, before me, Diane M. Rubright, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared, James I. Moore, known to me to be Attorney-in-Fact of Lexon Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument on behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires March 23, 2027

Diane M. Rubright

Diane M. Rubright, Notary Public
Commission No. 817036

OFFICIAL SEAL
DIANE M RUBRIGHT
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 3/23/27