

VISION 2025 CITY OF BROKEN ARROW

**STONE CREEK HOSPITALITY CORPORATION
HOTEL AND CONFERENCE CENTER
PAY REQUEST NO. 9 (Construction)**

**UTILITIES PROJECT: SC-15002
DAVIS H. ELLIOT CONSTRUCTION CO., INC.
PAY REQUEST NO. 3 (FINAL)**

SEPTEMBER 26, 2016

Prepared By:

COWAN GROUP ENGINEERING, LLC

5416 S. YALE, SUITE 210
TULSA, OKLAHOMA 74135
918.949.6171 (O)
918.949.6174 (F)
CA NO. 6414 EXP. 06/30/18



STATEMENT OF CONTRACTOR TO OWNER AND ESCROWEE

Draw Request No. 9 for Payment under Attorneys' Title Guaranty Fund, Inc.

Project: STONE CREEK HOTEL & CONFERENCE CENTER BROKEN ARROW

Owner(s): STONE CREEK INVESTORS of BROKEN ARROW, LLC

Contractor: STONE CREEK HOSPITALITY / SCI BUILDERS INC

Covers period from 1/1/2015 to 9/22/2016

The undersigned JAMES H. THOMPSON

certifies that he is PRESIDENT/OWNER

(Nature of interest in or position with contracting company)

of STONE CREEK HOSPITALITY / SCI BUILDERS INC

under Contract with STONE CREEK INVESTORS of BROKEN ARROW, LLC

Owner(s), for GENERAL CONSTRUCTION

That, for the purpose of this work, the following orders have been placed and the following parties contracted with, and these are the only parties who have been contracted with and/or who have furnished materials or provided labor under the aforementioned Contract for said project. That the amounts of such orders or contracts are as stated below and that there are due and to become due these parties respectively the amounts set opposite their names for materials or labor or both, and the undersigned warrants that the amounts due these parties respectively (see Column No. 6) represents materials and/or labor incorporated into the project at this date.

1	2	3	4	5	6	7
CONTRACTOR WORK/MATERIALS	CONTRACTED BUDGET	<u>DRAW 7</u>	<u>DRAW 8</u>	<u>DRAW 9</u>	<u>Total Drawn</u>	<u>Total Remaining</u>
CONSTRUCTION COSTS						
201- SITEWORK						
GRADING/DIRT WORK						
Tri-Star Construction LLC	1,815,033.50	140,912.07	195,431.02		2,459,180.76	(644,147.26)
SITE UTILITIES						
Davis H Elliot Construction	728,215.00	69,713.85	446,364.15	157,013.50	673,091.50	55,123.50
PARKING LOT-ASPHALT						
SITE EXTRAS						

CONTRACTOR WORK/MATERIALS	CONTRACTED BUDGET	<u>DRAW 7</u>	<u>DRAW 8</u>	<u>DRAW 9</u>	<u>Total Drawn</u>	<u>Total Remaining</u>
201-CONCRETE						
FOUNDATIONS						
FLATWORK						
CURB & GUTTER						
SIDEWALKS						
210-MATERIALS						
CONF CENTER-STEEL						
214-STRUCTURAL						
215-MECHANICAL						
216-ELECTRICAL						
PARKING LOT-LIGHTS						

APPLICATION AND CERTIFICATE FOR PAYMENT

PROJECT: Stoney Creek Hotel and Conference Center
 OWNER: Stoney Creek Hospitality Corp.
 COMMUNITY: Broken Arrow, OK

ENGINEER: Cowan Group Engineering, LLC
 CONTRACTOR: Stoney Creek Hospitality Corp.
 APPLICATION DATE: 9/2/2016 APPLICATION NO.: 9
 PERIOD FROM: PERIOD TO: 8/31/2016

CHANGE ORDER SUMMARY

CHANGE ORDERS APPROVED IN PREVIOUS MONTHS BY OWNER

CHANGE ORDER	APPROVED DATE	ADDITION \$	DEDUCTION \$
Amendment 1	10/20/2015	\$ 206,473.33	\$ -
Amendment 2		\$ 579,100.00	
Subtotals		\$ 785,573.33	\$ -
Net change by Change Orders:			\$ 785,573.33

Application is made for Payment, as shown below, in connection with Contract. The present status of the account for this Contract is as follows:

1	ORIGINAL CONTRACT SUM (Construction Budget)	\$ 4,475,000.00
2	Net Change by Change Orders	\$ 785,573.33
3	CONTRACT SUM TO DATE (Construction Budget)	\$ 5,260,573.33
4	TOTAL COMPLETED & STORED TO DATE (Construction)	\$ 3,156,166.18
	(Total Column G on G703) (Public + Privately Funded)	
5	RETAINAGE (5% of Work in Progress):	\$ -
6	TOTAL EARNED LESS RETAINAGE (Line 4 less line 5 Total)	\$ 3,156,166.18
7	LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 2,999,152.68
	(Line 6 of prior Certificates)	
7a	(Previous Vision Payments)	\$ 2,963,223.64
7b	(Previous SCHC Payments)	\$ 35,929.04
8	CURRENT PAYMENT DUE (Line 4 less Line 7)	\$ 157,013.50
9	BALANCE TO FINISH, Plus Retainage	\$ 2,140,336.19
	(Line 3 less Line 4 and accounting for private SCHC payments)	
	(+ Line 7b)	

The undersigned Contractor certifies that the work covered by the Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.


OWNER / CONTRACTOR:

By: 
 Signature: D. Kevin McCarty, Executive Vice-Pres.

Date: Sept 26, 2016

In accordance with the Contract Documents, based upon on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED \$ 157,013.50.

ENGINEER:

By: 
 Signature: Russell K. Fischer, PE, CFM

Date: 25 SEP 2016

G703

[illegible]

SUPPORTING DOCUMENTATION

LETTER OF EXPLANATION

Contracts:

		Vision Funding	SCHC Private Funding
Earth Change (Tri-Star)	Original Contract	\$ 1,815,033.50	
Tri-Star Change Order #1	Excess Rock Excavation (Base Bid Item 3)	\$ 580,000.00	
Tri-Star Change Order #2	Additional Excavation for Site Revisions & Hotel Revisions	\$ 36,720.00	
Tri-Star Change Order #2	Add'l Excavation for Site Revisions (funded with SCHC private sources)	\$ -	\$ 35,929.04
Tri-Star Change Order #3	Building Pads	\$ 81,818.10	
Tri-Star Change Order #4	Final Quantity Adjustments	(\$66,425.96)	
	Subtotals	\$ 2,447,145.64	\$ 35,929.04
Tri-Star Construction	Total Contract (Vision & Privately Funded)	\$ 2,483,074.68	

Utilities (Davis H. Elliot Const.)	Original Contract	\$ 683,020.50	
DHEC Change Order #1	Add Water Bore from EC Project & Revise Water Line "C" per Site Rev	\$ 45,194.50	
DHEC Change Order #2	Revised Offsite WL "C"	(\$50,797.00)	
DHEC Change Order #3	Final Quantity Adjustments	(\$4,326.50)	
Davis H. Elliot Construction Co.	Total Contract (All Vision Funded)	\$ 673,091.50	
TOTAL SITE INFRASTRUCTURE CONTRACTS (Vision & Privately Funded)		\$	3,156,166.18

Funding

Vision Funding Totals		
Tri-Star Construction	Earth Change Project	\$ 2,447,145.64
Davis H. Elliot Construction Co.	Utilities Project	\$ 673,091.50
	Total Committed Funding	\$ 3,120,237.14
Uncommitted Balance		\$ 2,140,336.19
	Total Vision Funding	\$ 5,260,573.33

Stoney Creek Hospitality Corp.		
Private Funding Payments	Tri-Star Change Order #2 (SCHC Portion)	\$ 35,929.04
	Total Private Funding	\$ 35,929.04
TOTAL PROJECT FUNDING		\$ 5,296,502.37

DAVIS H. ELLIOT CONSTRUCTION CO., INC.

APPLICATION AND CERTIFICATION FOR PAYMENT

PAGE ONE OF 2 PAGES

TO OWNER: Stoney Creek Hospitality Corporation, LLC
 PROJECT: Stoney Creek Hospitality Hotel & Conference Center
 Utilities Project

APPLICATION NO: 3 Distribution to:

APPLICATION DATE: PERIOD TO: 30-Jul-16
 OWNER ☐ LENDER ☐ ENGINEER ☒

FROM CONTRACTOR:

Davis H. Elliot Construction Co. Inc.
 8837 S. Highway 51
 Broken Arrow, OK 74014

PROJECT NUMBER: SC-15002

CONTRACT DATE: 18-Jan-16

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet (Schedule of Values) is attached.

1. ORIGINAL CONTRACT SUM	\$ 683,020.50
2. Net change by Change Orders	\$ (\$9,929.00)
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 673,091.50
4. TOTAL COMPLETED & STORED TO	\$ 673,091.50

5. RETAINAGE: a. % of Completed & Stored Value \$673,091.50

Total Retainage (Lines 5a + 5)	673,091.50
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 516,078.00
8. CURRENT PAYMENT DUE	\$ 157,013.50
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Design Builder	\$45,194.50	\$50,797.00
Total approved this Month		\$4,326.50
TOTALS	\$45,194.50	\$55,123.50
NET CHANGES by Change Order		(\$9,929.00)

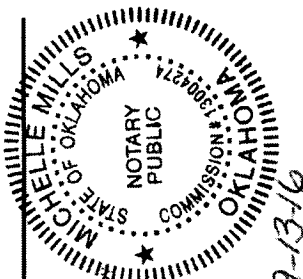
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid to the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR

By: *[Signature]*

Date: 9-13-16

State of Oklahoma
 Subscribed and sworn to before me this day of September, 2016
 Notary Public: Michelle Mills
 My Commission expires: May 3, 2017



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

AMOUNT CERTIFIED \$ 157,013.50

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
 ENGINEER

By: *[Signature]*

Date: 24 SEP 2016

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

G703 UNIT PRICING

APPLICATION AND CERTIFICATION FOR PAYMENT

Contractor's signed certification is attached.

PAGE 2 OF 7 PAGES

APPLICATION NO: 3

26-Aug-16

30-Jul-16

PROJECT NUMBER 9C-15002

A Cont Item No	B DESCRIPTION OF WORK	C UNIT	D UNIT PRICE	E EXTENDED VALUE	F UNITS COMPLETED THIS PERIOD		G VALUE COMPLETED THIS PERIOD	H TOTAL PREVIOUSLY INVOICED	I TOTAL COMPLETED TO DATE	J BALANCE FORTHWITH (D-H)	K RETAINAGE (H-VARIABLE RATE)
					UNITS	%					
1	clearing & grubbing	1.00	LS	\$10,000.00				\$10,000.00	\$10,000.00		
2	select borrow	400.00	CY	\$6,000.00				\$6,000.00	\$16,000.00		
3	temporary silt fence	1106.00	LF	\$3.00	246	22%	\$738.00	\$888.00	\$16,738.00		
4	temporary sediment filter-barrier	4.00	EA	\$1,000.00	1	25%	\$1,000.00	\$1,000.00	\$17,738.00		
5	temporary sediment filter-inlet	9.00	EA	\$1,000.00	1	11%	\$1,000.00	\$9,000.00	\$18,738.00		
6	solid slab sodding	827.00	SY	\$5.00	420	51%	\$2,100.00	\$725.00	\$19,458.00		
7	common excavations (trench)	1400.00	CY	\$10.00	301	22%	\$3,010.00	\$12,510.00	\$21,468.00		
8	rock excavation (trench)	750.00	CY	\$35.00				\$19,945.00	\$21,468.00		
9	8" pvc (C900 DR14) pipe	741.00	LF	\$69.00				\$51,129.00	\$21,468.00		
10	12" pvc (C900 DR14) pipe	1654.00	LF	\$79.00	384	23%	\$30,336.00	\$119,922.00	\$141,390.00		
11	12" di pipe	425.00	LF	\$90.50	81	19%	\$7,330.50	\$19,548.50	\$148,720.50		
12	12" 11.25 degree bend (RJ)	4.00	EA	\$550.00	1	25%	\$550.00	\$2,750.00	\$151,470.50		
13	12" 22.5 degree bend (RJ)	4.00	EA	\$550.00	1	25%	\$550.00	\$2,200.00	\$153,670.50		
14	12" 45 degree bend (RJ)	3.00	EA	\$550.00	1	25%	\$550.00	\$2,200.00	\$155,870.50		
15	12" 90 degree bend (RJ)	1.00	EA	\$600.00	1	100%	\$600.00	\$4,950.00	\$160,820.50		
16	8"x8"x6" tee (RJ)	2.00	EA	\$500.00	1	100%	\$500.00	\$1,200.00	\$162,020.50		
17	12"x12"x6" tee (RJ)	5.00	EA	\$700.00				\$1,000.00	\$163,020.50		
18	12"x12"x8" tee (RJ)	2.00	EA	\$700.00				\$2,800.00	\$165,820.50		
19	12"x12"x12" tee (RJ)	5.00	EA	\$800.00				\$1,400.00	\$167,220.50		
20	12" solid sleeve (RJ)	2.00	EA	\$550.00	4	200%	\$2,200.00	\$2,400.00	\$169,620.50		
21	8" plug (RJ)	1.00	EA	\$200.00	1	100%	\$200.00	\$1,650.00	\$171,270.50		
22	12"x6" reducer (RJ)	1.00	EA	\$450.00				\$200.00	\$171,470.50		
23	12"x6" reducer (RJ)	1.00	EA	\$450.00				\$450.00	\$171,920.50		
24	8" gate valve (RJ)	2.00	EA	\$1,375.00				\$450.00	\$172,370.50		
25	12" gate valve (RJ)	7.00	EA	\$2,250.00	1	14%	\$2,250.00	\$4,125.00	\$176,495.50		
26	3 way fire hydrant assembly	8.00	EA	\$3,790.00				\$15,500.00	\$191,995.50		
27	type 1 valve box	9.00	EA	\$125.00	3	33%	\$375.00	\$1,250.00	\$193,245.50		
28	class BA1 concrete	45.00	CY	\$325.00	4	9%	\$1,300.00	\$1,300.00	\$194,545.50		
29	5' i.d. manhole	1.00	EA	\$3,500.00				\$3,500.00	\$198,045.50		
30	add'l depth 5' i.d. manhole	9.00	VF	\$300.00				\$2,700.00	\$200,745.50		
31	18" hdpe	906.00	LF	\$85.00				\$77,010.00	\$277,755.50		
32	24" hdpe	15.00	LF	\$90.00				\$1,350.00	\$279,105.50		
33	30" hdpe	318.00	LF	\$110.00				\$34,980.00	\$314,085.50		
34	construction staking	1.00	LS	\$10,000.00	1.5	150%	\$7,500.00	\$7,500.00	\$321,585.50		
35	construction traffic control	1.00	LS	\$5,000.00				\$5,000.00	\$326,585.50		
36	trench drain	1.00	EA	\$25,000.00				\$25,000.00	\$351,585.50		
37	bar recessed curb inlet	4.00	EA	\$5,500.00				\$22,000.00	\$373,585.50		
38	special grated area inlet	3.00	EA	\$4,000.00				\$12,000.00	\$385,585.50		
39	24" steel casing & bore	312.00	LF	\$350.00				\$109,800.00	\$495,385.50		
40	remove & replace curb & gutter	30.00	LF	\$25.00	51	16%	\$12,750.00	\$12,750.00	\$508,135.50		
41	remove & replace asphalt paving	235.00	SY	\$100.00	28	91%	\$28,000.00	\$28,000.00	\$536,135.50		
42	remobilization	1.00	EA	\$10,000.00	160	68%	\$16,000.00	\$59,850.00	\$595,985.50		
CO-1	change order 1	1.00	LS	\$45,194.50	1	100%	\$45,194.50	\$45,194.50	\$641,180.00		
CO-2	change order 2	1.00	LS	-\$50,797.00				\$10,000.00	\$631,180.00		
CO-3	change order 3	1.00	LS	-\$4,326.50					\$626,853.50		
				\$673,091.50			\$109,989.50	\$563,102.00	\$673,091.50		

CONTRACT CHANGE ORDER

Change Order No:	#3	Engineer:	Cowan Group Engineering, LLC
Date:	August 10, 2016	Address:	5416 S. Yale, Suite 210
Bid Number:	SC-15002		Tulsa, OK 74135
		Phone:	(918) 949-6171
Project Name:	Stoney Creek Hotel & Conference Center - Utilities Project	Email:	russ@cowangroup.co
Contractor:	Davis H. Elliot Construction Co., Inc.	Owner (Grantor):	Stoney Creek Hospitality Corporation
Address:	8837 St. Hwy 51 Broken Arrow, OK 74014	Address:	5291 Stoney Creek Court Johnston, IA 50131
Phone:	(918) 455-8630	Phone:	515-559-2200
Email:	jthompson@dhec.com	Email:	kevin.mccarty@staysch.com

THE FOLLOWING CHANGES ARE HEREBY AMENDED INTO THE CONTRACT PLANS AND SPECIFICATIONS



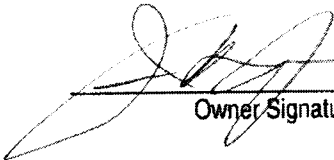
C.O. ITEM	PAY REQ. ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE	CONTRACT QUANTITY	AMENDED QUANTITY	COST
1	2	Select Borrow	CY	\$15.00	400	0	(\$6,000.00)
2	3	Temporary Silt Fence	LF	\$3.00	1,106	542	(\$1,692.00)
3	4	Temporary Sediment Filter-Barrier	EA	\$1,000.00	4	2	(\$2,000.00)
4	5	Temporary Sediment Filter-Inlet	EA	\$1,000.00	9	10	\$1,000.00
5	6	Solid Slab Sodding	SY	\$5.00	345	565	\$1,100.00
6	7	Common Excavation (Trench)	CY	\$10.00	1,451	1,552	\$1,010.00
7	10	12" PVC (C-900 DR-14) Pipe	LF	\$79.00	1,871	1,902	\$2,449.00
8	11	12" Ductile Iron Pipe	LF	\$90.50	294	297	\$271.50
9	13	12" - 22.5° Bend (RJ)	EA	\$550.00	4	5	\$550.00
10	14	12" - 45° Bend (RJ)	EA	\$550.00	12	17	\$2,750.00
11	17	12"x12"x6" Tee (RJ)	EA	\$700.00	5	4	(\$700.00)
12	19	12"x12"x12" Tee (RJ)	EA	\$800.00	5	3	(\$1,600.00)
13	20	12" Solid Sleeve (RJ)	EA	\$550.00	4	7	\$1,650.00
14	21	8" Plug (RJ)	EA	\$200.00	1	2	\$200.00
15	26	3-Way Fire Hydrant Assembly	EA	\$3,790.00	8	7	(\$3,790.00)
16	27	Type 1 Valve Box	EA	\$125.00	10	13	\$375.00
17	28	Class BA1 Concrete	CY	\$325.00	4	8	\$1,300.00
18	35	Construction Traffic Control	LS	\$5,000.00	2.5	3	\$2,500.00
19	39	24" Steel Casing and Bore	LF	\$350.00	211	222	\$3,850.00
20	CO2.1	Remove & Replace Curb & Gutter	LF	\$25.00	30	28	(\$50.00)
21	CO2.2	Remove & Replace Asphalt Paving	SY	\$100.00	235	160	(\$7,500.00)
Net Change Order Amount							(\$4,326.50)
Original Contract Amount							\$683,020.50
Total of Previous Change Order(s)							(\$5,602.50)
Total Contract Amount To Date							\$673,091.50

This Change Order **INCREASES** Contract Time by **30** Days

CONTRACT CHANGE ORDER

Change Order Number: #3
Date: August 10, 2016
Bid Number: SC-15002
Project Name: Stoney Creek Hotel & Conference
Center - Utilities Project

Justification:	This change order is issued to finalize the pay quantities for the project. Several of the Change Order #3 items are subject to the Oklahoma Competitive Bid Act Section 121.B. They are listed above as C.O. Items 20 and 21. Their final value is \$26,700.00, which represents 3.9% of the original contract amount.
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RECOMMENDED:	 Engineer Signature	Cowan Group Engineering, LLC Engineer	
BY:	Russell K. Fischer Printed Name	Project Engineer Title	9/10/2016 Date
ACCEPTED:	 Contractor Signature	Davis H. Elliot Construction Co., Inc. Contractor	
BY:	Terry L. Downing Printed Name	Vice-President Title	9-13-16 Date
APPROVED:	 Owner Signature	Stoney Creek Hospitality Corporation Owner	
BY:	James H. Thompson Printed Name	Chief Executive Officer Title	9-14-16 Date

CONSENT OF SURETY TO FINAL PAYMENT

ALA Document G707

Bond No. 14BCSHI1657

OWNER	<input type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input type="checkbox"/>
SURETY	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

TO OWNER:

(Name and address)

Stoney Creek Hospitality Corporation
485 N. Poplar Ave.
Broken Arrow, OK 74012

PROJECT:

(Name and address)

Stoney Creek Hospitality Hotel and Conference Center Utilities Project in Broken Arrow, OK, Contract No: SC-15002

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:

CONTRACT DATED: October 15, 2015

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Hartford Fire Insurance Company
One Hartford Plaza
Hartford, CT 06155-0001

, SURETY,

on bond of

(Insert name and address of Contractor)

Davis H. Elliot Construction Company, Inc.
8837 South Highway 51
Broken Arrow, OK 74014

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to

(Insert name and address of Owner)

Stoney Creek Hospitality Corporation
485 N. Poplar Ave.
Broken Arrow, OK 74012

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: August 31, 2016

(Insert in writing the month followed by the numeric date and year.)

Hartford Fire Insurance Company

(Surety)

By:

(Signature of authorized representative)

Theresa S. Stump

Attorney-in-Fact

(Printed name and title)

Surety Phone No. 540-343-8071

Attest:

(Seal):

Becky Huddleston
Becky Huddleston, Witness

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

Bond T-12

One Hartford Plaza
Hartford, Connecticut 06155
Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835)

Agency Code: SurePath

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☐ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint

Theresa S. Stump of Roanoke, VA

their true and lawful Attorney-in-Fact, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge the following bond, undertaking, contract or written instrument:

Bond No. 14BCSH1657 on behalf of Davis H. Elliot Construction Company, Inc.

naming

Stoney Creek Hospitality Corporation

as Oblige in the amount of See Bond Form

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.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray, Assistant Secretary

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

ss. Hartford

COUNTY OF HARTFORD

On this 11th day of January, 2016, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Nora M. Stranko
Notary Public

My Commission Expires March 31, 2018

I, the undersigned, Assistant Vice President of the Companies, 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 effective as of August 31, 2016
Signed and sealed at the City of Hartford.



Kevin Heckman, Assistant Vice President

COWAN GROUP ENGINEERING, LLC

Certificate of Substantial Completion

Project: Hotel and Conference Center	Owner: Stoney Creek Hospitality Corp.	Owner's Contract No.: SC-15002
Contract: Public Utilities		Date of Contract: Dec 10, 2015
Contractor: Davis H. Elliot Construction Company Inc.		Engineer's Project No.: 14-256

This Certificate of Substantial Completion applies to:

☐ All Work under the Contract Documents:

☒ The following specified portions:

Work added to the contract scope was the water line bore & connection by Stone Wood Drive. Work

Removed from the contract scope was Offsite WL "C" and the Trench Drain at SE Entry

March 11, 2016

Date of Substantial Completion:

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [tentative] [revised tentative] [definitive] list of items to be completed or corrected, is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

☐ Amended Responsibilities

☒ Not Amended

Owner's Amended Responsibilities: None

Owner has occupied site/lines since: N/A

Contractor's Amended Responsibilities: Completion of the outstanding items remaining as identified in the attached Punch-List

The following documents are attached to and made part of this Certificate:

Punch-List dated March 30, 2016, from Final Inspection held on March 29, 2016

This Certificate does not constitute an Acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Executed by Engineer

Date

Accepted by Contractor

Date

Accepted by Owner/Developer

Date

PUBLIC UTILS: STONEY CREEK HOSPITALITY



Hotel and Conference Center

FINAL INSPECTION: May 05, 2016 @ 8:00pm

ATTENDING:	Jeff Thompson	Davis H. Elliot Construction
	Chad Nichols	City of Broken Arrow
	Barrick Rosenbaum	Cowan Group Engineering
	Russ Fischer	Cowan Group Engineering

CONTRACT DATA:

NTP: January 18, 2016
Project Duration: 75 calendar Days
Original Completion Date: April 01, 2016
Added Days to Date: Total of 13
Adjusted Completion Date: April 14, 2016

*All items completed
NY 05/05/2016*

PROJECT SUBSTANTIALLY COMPLETE: March 11, 2016

- Storm Sewer Installed per plans & specs - Less Trench Grate at SE Entry
- Water Lines Installed per plans & specs - Less Offsite WL "C"

* NOTE: The Final Review of the Substantial Completion Inspection of March 29th, was delayed to continuing efforts to work out an alternate alignment for Offsite Waterline "C". But at this time, it appears that an alternate alignment cannot be worked out with ONG. The Utility project needs to be closed and finalized out. The offsite portion of WL "C" will need to be on a future phase of work, once an alternate alignment is selected.

PUNCHLIST ITEMS:

- ✓ 1. Demobilize Equipment
- ✓ 2. Water Valves are to have concrete collar around them b/4 CoBA will accept WLs. Contractor to check on precast collars as an option to pouring a collar since there is site work grading yet to be done. Precast collars would be acceptable to the City and could be adjusted by the Site Dev Contractor.
- ✓ 3. Rotate FH at Sta 81+69.87 on WL "B" as directed by City to face westward/parking
- ✓ 4. Replace Silt Fencing between WL "B" and the creek.
- 5.

COMMENTS:

- Regarding the Storm Sewer Trench Grate: Additional design work is necessary to complete the construction of the SE Entry and rework the existing retaining wall along Albany Street. As such the trench grate was removed from the Utility Project and will be moved to the Site Development Project.
- All erosion control not specifically called to be removed shall remain in place, with continued maintenance by the General Building Contractor, Henning.
- The Project Sign shall remain and shall be eventually removed by others.
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Certificate of Substantial Completion

Project: Hotel and Conference Center	Owner: Stoney Creek Hospitality Corp.	Owner's Contract No.: SC-15002
Contract: Public Utilities	Date of Contract: Dec 10, 2015	
Contractor: Davis H. Elliot Construction Company Inc.	Engineer's Project No.: 14-256	

This Certificate of Substantial Completion applies to:

☐ All Work under the Contract Documents: ☐ The following specified portions:
Work added to the contract scope was the water line bore & connection by Stone Wood Drive. Work removed was the trench grate. The work on Offsite portion of WL "C" was suspended due to ONG new protest of alignment location. (Refer to On-Site Project Substantial Completion of 11Mar2016) New align Ok'd and work restarted July 6, 2016, completed July 29, 2016.

July 29, 2016

Date of Substantial Completion:

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [tentative] [revised tentative] [definitive] list of items to be completed or corrected, is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

☐ Amended Responsibilities ☐ Not Amended

Owner's Amended Responsibilities: None

Owner has occupied site/lines since: July 29th. Water Line is in service.

Contractor's Amended Responsibilities: Completion of the outstanding items remaining as identified in the attached Punch-List
Punch List items complete per Aug 10, 2016 review.

The following documents are attached to and made part of this Certificate:

Punch-List of August 03, 2016 from Final Inspection. Noted that per August 10, punch list items are done.

Substantial Completion Certificate of On-Site Work, dated March 11, 2016

This Certificate does not constitute an Acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents


Executed by Engineer

10 SEP 2016
Date


Accepted by Contractor

9-13-16
Date


Accepted by Owner/Developer

9-14-16
Date

PUBLIC UTILS: STONEY CREEK HOSPITALITY



Hotel and Conference Center

FINAL INSPECTION of OFFSITE WL-C: August 3, 2016 @ 8:00 am

ATTENDING: Jeff Thompson	Davis H. Elliot Construction
Chad Nichols	City of Broken Arrow, Inspections
Russ Fischer	Cowan Group Engineering

CONTRACT DATA:

NTP: January 18, 2016
Project Duration: 75 calendar Days
Original Completion Date: April 01, 2016
Added Days to Date: Total of 13
Adjusted Completion Date: April 14, 2016 *

- * NOTE: Project Completion Time was suspended for the offsite Waterline "C" portion of the project due to the revised ONG position, now objecting to the proposed location of the waterline along the south right of way of Albany Street, which ran parallel to an existing ONG pipeline. After being on hold for several months, an alternate alignment was agreed to by all parties that relocated the offsite waterline to run down the median of Albany Street. This phase of the project was started on July 6th, 2016, after approval from the Broken Arrow City Council to close several lanes of Albany Street to accommodate the work and the continued investigation of a potential leak by ONG of their pipeline in the same general area of Albany Street & Hillside Drive.

OFFSITE WL-C PORTION OF PROJECT SUBSTANTIALLY COMPLETE:

- Work Completed on July 29th, 2016.

FINAL INSPECTION OF OFFSITE WL-C PUNCHLIST ITEMS:

- ✓ 1. Caulk the gutter joints up 1" on the curb, not to top of curb
- ✓ 2. Missing a lid at j-box for street light west of Hillside Drive intersection
- 3.

** Items observed complete
10 Aug 2016 NG*

COMMENTS:

- Sod looks great
- The existing WL crosses Albany at an angle, so additional bends required to tie new water line in. Also had to move connection location due to concrete encasement of existing water line at proposed tie-in location.
- Offsite WL was installed without any electric line breaks to the street lights!
- System is live, Water is connected to site utilities/piping.