EAST NOTTINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

RESOLUTION No. 2023 –21

RESOLUTION TO ADD RIGHTS OF WAY BOND TO THE RESPONSIBILITIES FOR COMCAST OF PENNSYLVANIA, LLC IN CONNECTION WITH THE CABLE FRANCHISE AGREEMENT ADOPTED BY ORDINANCE NUMBER 2023-01 ON SEPTEMBER 12, 2023.

WHEREAS East Nottingham Township, a Second Class Township, located in Chester County, Pennsylvania granted a cable franchise to Comcast of Pennsylvania, LLC ("Comcast") by means of the adoption of an Ordinance and entering into a Cable Franchise Agreement on September 12, 2023 at Ordinance No. 2023-01; and

WHEREAS subsequently, the actions of Comcast in excavations impacting Township roads to install cable have created a concern among Township Supervisors about the damage to Township roads caused by such actions; and

WHEREAS Comcast has agreed to supply a Bond in the amount of $50,000.00, a true and correct copy of which is attached hereto and incorporated herein by reference as though set out in full, said Bond being dated November 22 2023 and issued by Fidelity and Deposit Company of Maryland, bonding themselves to East Nottingham Township, to protect the Township and guarantee to the Township that any damage to the Township roads by Comcast will be fully repaired and the expense of such repair would be covered by Comcast as guaranteed by this Bond; and

NOW THEREFORE, be it and it is hereby resolved that the Township accepts the attached Bond in the amount of $50,000.00 for the rights of way damage and guarantee of repair which shall be in effect for the term of the Franchise Agreement with Comcast.

ENACTED and RESOLVED this 12th day of December, 2023.

Attest

Secretary

EAST NOTTINGHAM TOWNSHIP

Sam Goodley, Jr., Chairman

John Wallace, Vice-Chairman

Joe Herlihy, Supervisor

P. David Smoker, Supervisor

Thomas Faux, Supervisor

RIGHTS OF WAY BOND

BOND 9436413

Know all men by these presents,

That COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND
having its executive office in 1299 Zurich Way, 5th Floor Schaumburg IL 60196-1056
as Surety, are held and firmly bound unto TOWNSHIP OF EAST NOTTINGHAM, PA

hereinafter referred to as Obligee in the penal sum of
Fifty Thousand and 00/100 Dollars ($ 50,000.00) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to said penal sum regardless of the number of years this bond remains in force or is renewed, of the number of premiums that shall be payable or paid, the number of Subscribers to the system and/or legal fees which may be required and incurred.

WHEREAS, the obligee has granted a Rights-of-Way Agreement to Principal to use the public streets and places within the Municipality for the installation, operation, and maintenance of a fiber optic network located within said TOWNSHIP OF EAST NOTTINGHAM, PA.

NOW THEREFORE, the condition of this obligation is such, that if the above bound principal shall faithfully perform, well and truly observe and fulfill the terms and conditions of the agreement , then this obligation shall be null and void; otherwise, it shall remain in full force and effect until terminated or cancelled.

PROVIDED, HOWEVER, it shall be a condition precedent to any right of recovery hereunder, that in event of any default on the part of the Principal, a written statement of the particular facts showing the date and nature of such default shall be immediately delivered to the Surety by certified mail at 1299 Zurich Way, 5th Floor Schaumburg IL 60196-1056.

AND PROVIDED FURTHER that no action, suit or proceeding shall be had or maintained against the Surety on this instrument unless the same be brought or instituted and process served upon the Surety within twelve months after an act of breach or cancellation of this bond or termination of said franchise, whichever occurs first.

This Bond may be terminated or cancelled by Surety by giving thirty (30) days prior notice in writing to Principal and said Obligee, such notice to be given by certified mail. Such termination or cancellation shall not affect any liability incurred or accrued under this Bond prior to the effective date of such termination or cancellation.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 22nd day of November, 2023.

WITNESS:

Lori A. Klumpp

Approved and Accepted by:

Obligee

Chairman

Title

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC (Seal)
(Principal)

By:

Derek H Squire Vice President
(Title)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
(Surety)

By:
Wayne G. McVaugh (Attorney-in-Fact)

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint AnnMarie BREENE, Joanne C. WAGNER, Patricia DORSANEO, Cathy H. HO, Patricia A. RAMBO, Sara OWENS, Kimberly G. SHERROD, George GIONIS, Babette WARD, Dana DONAHUE, Lori S. SHELTON, Wayne G. MCVAUGH, **all of Philadelphia, Pennsylvania,** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND,** this 21st day of March, A.D. 2023.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 21st day of March, A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Iva Bethea
Notary Public
My Commission Expires September 30, 2023

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 22nd day of November, 2023.

By: Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
reportsfclaims@zurichna.com
800-626-4577

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790