

Recorded at the request of: BOARD OF SUPERVISORS

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**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 01/15/2013 by the following vote:

AYES: John Gioia, District I Supervisor Candace Andersen, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff,
District IV Supervisor Federal D. Glover, District V Supervisor

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2013/35

IN THE MATTER OF accepting completion of private improvements for Road Acceptance RA 06-01215 (cross-reference subdivision SD05-08950), for a project being developed by Avalon Bay Communities, Inc., as recommended by the Public Works Director, Contra Costa Centre area. (District IV)

WHEREAS These improvements are approximately located near Oak Road

The Public Works Director has notified this Board that the private improvements in Road Acceptance RA 06-01215 (cross-reference subdivision SD05-08950) have been completed as provided in the Road Improvement Agreement with Avalon Bay Communities, Inc., heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

NOW THEREFORE BE IT RESOLVED that the private improvements have been COMPLETED as of January 8, 2013, thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: September 15, 2008 NAME OF SURETY: Travelers Casualty and Surety Company of America

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$476,700.00, Bond No.105134925 issued by the above surety be RETAINED for the six month lien guarantee period until July 8, 2013, at which time the Clerk of the Board is AUTHORIZED to release the surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that private roadway improvements accessing the new garage for the hereinafter described private roads, as shown and dedicated for private use on the Final Map of Subdivision SD 05-08950 filed July 25, 2008, in Book 508 of final maps at Page 4, Official Records of Contra Costa County, State of California, have been COMPLETED and are NOT ACCEPTED, at this time.

BE IT FURTHER RESOLVED that there is no warranty period required, and the Public Works Director is AUTHORIZED to refund the \$9,500.00 cash security for performance (Auditor's Deposit Permit No. 507508, dated July 31, 2008) plus interest in accordance with Government Code Section 53079, if appropriate, to Travelers Casualty and Surety Company of America, pursuant to the requirements of the Ordinance Code; and the Subdivision/Road Improvement/Drainage Improvement Agreement and surety bond, Bond No.105134925, dated July 10, 2008 are exonerated.

Contact: J. LaRocque, 925-313-2315

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 15, 2013

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: STACEY M. BOYD, Deputy

cc: Design/Construction, M&T Lab, Eng. Svcs (Originator), J. Capozzo, Eng. Svcs., T: 11-8-13, Avalon Bay Communities, 100 Bridgeport ave Shelton CT 06484, Travelers Casualty Surety Co. 1 Tower Sq. Hartford CT 06183 MW Edwards