

Recorded at the request of: **BOARD OF SUPERVISORS**

Return To: **PUBLIC WORKS DEPARTMENT ENGINEERING SERVICES**

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

Adopted this Resolution on 01/07/2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2014/8

IN THE MATTER OF accepting completion of improvements for the Subdivision Agreement (Right of Way Landscaping) for SD08-9246, Hummingbird Playground (previously Red Hawk Park, cross-reference PA11-0041), for a project developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS these improvements are approximately located near the intersection of Goldenbay Avenue and Bayberry View Drive.

The Public Works Director has notified this Board that the landscaping improvements for SD08-9246 Hummingbird Playground (previously Red Hawk Park, cross-reference PA11-0041), have been completed as provided in the Subdivision Agreement (Right of Way Landscaping) with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, heretofore approved by this Board;

NOW, THEREFORE, BE IT RESOLVED that the landscape improvements have been COMPLETED as of January 7, 2014, thereby, establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement (Right of Way Landscaping):

DATE OF AGREEMENT: August 9, 2011

NAME OF SURETY: The Continental Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$233,000, Bond No. 929 525 433 issued by the above surety be RETAINED for the six month lien guarantee period until July 7, 2014, 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 the Right-of-Way Landscaping improvements for Hummingbird Playground (previously Red Hawk Park), approximately located near the intersection of Goldenbay Avenue and Bayberry View Drive are ACCEPTED AS COMPLETE. Upon completion of the warranty and maintenance period, the San Ramon City Council shall accept the landscape improvements for maintenance in accordance with the Dougherty Valley Memorandum of Understanding.

BE IT FURTHER RESOLVED that the beginning of the warranty and maintenance period is hereby established, and the \$5,000 cash deposit (Auditor's Deposit Permit No. 578268, dated May 31, 2011) made by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation, and the performance/maintenance surety bond rider for \$69,150, Bond No. 929 525 433 issued by The Continental Insurance Company be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance

Code until release by this Board.

All deposit permits are on file with the Public Works Department.

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 7, 2014

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

By: , Deputy

cc: Design/Construction, Engineering Services, J. Capozzo, J. LaRocque, PWD, ES, Originator, M & T Lab, Records Division, T - 11-7-2014, C. Low, City of San Ramon, Shapell Homes, 100 N. Milpitas, 95035, Continental Insur. Co. 4150 DrinkwaterBlvd. Ste. 410, Scottsdale 85251