

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 02/04/2014 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

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Resolution No. 2014/33

IN THE MATTER OF accepting completion of improvements for the Subdivision Agreement for minor subdivision MS09-00011, and declaring the three-foot road widening of Wilbur Avenue as a County road, for a project developed by NRG Energy, Inc., as recommended by the Public Works Director, Antioch area. (District V)

WHEREAS these improvements are approximately located near Wilbur Avenue.

The Public Works Director has notified this Board that the improvements in the Subdivision Agreement for minor subdivision MS09-00011 have been completed as provided in the Agreement with NRG Energy, Inc., heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been COMPLETED as of February 4, 2014, thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF ORIGINAL AGREEMENT: September 21, 2010

NAME OF BANK/SURETY: Berkley Regional Insurance Company

BE IT FURTHER RESOLVED that the payment (labor and materials) surety for \$304,500.00, Bond No. 0148270 issued by the above surety be RETAINED for the six-month lien guarantee period until August 4, 2014, at which time the Board AUTHORIZES the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that the widening of Wilbur Avenue is ACCEPTED and DECLARED to be a County road recorded on October 6, 2010, in Book 205 of Parcel Maps on page 39.

BE IT FURTHER RESOLVED that the improvements have been constructed in accordance with the Subdivision Agreement and are ACCEPTED AS COMPLETE.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$6,600.00 cash deposit (Auditor's Deposit Number 558325, dated August 31, 2010) made by NRG Energy, Inc., and the performance/maintenance surety bond for \$304,500.00, Bond Number 0148270 issued by Berkley Regional Insurance Company, be RETAINED pursuant to the requirements of Section 94-4.406 of the Ordinance Code until released by this Board.

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.

**Contact: J. LaRocque, 925-313-2315**

**ATTESTED: February 4, 2014**

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

By: , Deputy

**cc:** Design/Construction, Engineering Services, J. Capozzo, M & T Lab, Records Division, T - 12-04-2014, NRG Energy, In. P.O. 192, Pittsburg, 94619, Berkley Regional Insur. Co, 5900 Windward Pkwy Ste. 335, Alpharetta, 30005