

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 03/15/2016 by the following vote:

AYE: 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

NO:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2016/116

IN THE MATTER OF approving a substitute Subdivision Agreement for Improvement Warranty, subdivision SD13-09303, for a project being developed by Western Pacific Housing Inc., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

WHEREAS On February 2, 2015, this Board resolved that the improvements in subdivision SD13-09303 were completed as provided in the Subdivision Agreement with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation AND the warranty period established, now on the recommendation of the Public Works Director;

The following document was presented for Board approval this date:

A substitute Subdivision Agreement for Improvement Warranty with Western Pacific Housing Inc., subdivider, whereby said subdivider agrees to warrant all improvements as required in said Subdivision Agreement for Improvement Warranty for one year from the date of said agreement or until released by this Board;

Said document was accompanied by the following:

Security to guarantee the road and drainage improvements, as required by Title 9 of the County Ordinance Code, as follows:

- a. Cash deposit (Auditor's Deposit Permit No. 647438, dated December 12, 2013) in the amount of \$7,000.00, made by Shapell Homes, a Division of Shapell Industries, Inc.
- b. Additional security in the form of a corporate surety bond dated August 6, 2015, and issued by Arch Insurance Company (Bond No. SU113521) with Western Pacific Housing Inc., as principal, in the amount of \$92,700.00 for faithful performance and \$0.00 for labor and materials.

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

NOW THEREFORE BE IT RESOLVED that said substitute Subdivision Agreement for Improvement Warranty is APPROVED.

BE IT FURTHER RESOLVED that the Subdivision Agreement with Shapell Homes, a division of Shapell Industries, Inc., a Delaware Corporation, as approved the the Board on May 6, 2014, is TERMINATED, the improvement security bonds, Bond No. 929 582 282, issued by Philadelphia Indemnity Insurance Company are EXONERATED and the \$7,000.00 cash deposit (Auditor's Deposit Permit No. 647438, dated December 12, 2014) made by Shapell Homes, A Division of Shapell Industries, Inc., a Delaware Corporation be RETAINED during the warranty period pursuant to the requirements of Section 94-4.406 of the

Ordinance code until released by this Board.

Contact: Jocelyn 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: March 15, 2016

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

By: Stacey M. Boyd, Deputy

cc: Originator: Public Works (ES) , Contact: Jocelyn LaRocque (313-2315), Public Works - Finance, Public Works - Design/Construction, Public Works - Engineering Services, Current Planning, Community Development, C. Low, City of San Ramon, 2222 Camino Ramon, San Ramon, CA 94583