

ATTACHMENT
ITEM NO. C.8
DATE: April 21, 2009



CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2009-0088838-00

Thursday, APR 23, 2009 10:29:19
FRE \$0.0011
Ttl Pd \$0.00
Nbr-0000105312
lrc/R9/1-10

Recorded at the request of : Clerk of the Board
Return To : J. Carlson
Public Works Dept.
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 04/21/2009 by the following vote:

- AYES: 5
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSE:



Resolution No. 2009/152

Accepting completion of public and private (Paulson Lane extension and Autumn Trail Lane) improvements, for SD 04-08939, as recommended by the Public Works Director, Walnut Creek area. (District III)

The Public Works Director has notified this Board that the improvements in SD 04-08939 have been completed as provided in the Subdivision Agreement with Braddock and Logan Group III, LP, 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 April 21, 2009 thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: October 9, 2007

NAME OF BANK/SURETY: Insurance Company of the West

Contact: J. LaRocque 313-2315

CERTIFIED COPY
I certify this is a full, true and correct copy of the original document which is on file in my office. ATTEST, David Twa, Clerk of the Board of Supervisors and County Administrator by Deputy Clerk

David Twa on April 21, 2009

cc: J. Carlson, Engineering Services, K. Guruwaya, Construction, , M. Valdez, M&T Lab, , H. Finch, Maintenance, , I. Bergeron, Mapping Div., P. Edwards, Engineering Services, , Braddock and Logan Group III, LP

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$169,350.00, Bond No. 2209782 issued by the above surety be RETAINED for the six month lien guarantee period until October 21, 2009, 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 private improvements (Paulson Lane and Autumn Trail Lane) have been COMPLETED and are NOT ACCEPTED NOR DECLARED as County Roads, at this time.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$3,400.00 cash deposit (Auditor's Deposit Permit No. 489271, dated September 6, 2007) made by Braddock and Logan Group III, LP and the performance/maintenance surety rider for \$15,000.00, Bond No. 2209782 issued by Insurance Company of the West be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance Code until release by this Board.

Insurance Company of the West

AMOUNT OF COVERAGE/RIDER

To be attached to and form part of Bond No, 2209782 in the amount of \$ 335,300.00
Issued by Insurance Company of the West on behalf of _____
Braddock & Logan Group III, LP, A California Limited Partnership
in favor of Insurance Company of the West

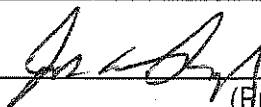
It is understood and agreed that the bond described above is hereby modified so as
to state the bond amount is reduced from \$ 335,300.00 to \$ 15,000.00, such change
in the amount to have effect as of and from March 13, 2009

Said Principal and said Surety shall be liable under said bond for loss sustained by
the Obligees during the period such change shall continue in effect, only to the extent by
which the bond amount exceeds loss, if any, covered by said bond which shall have been
sustained by the Obligees prior to such reduction

Signed, Sealed, and Dated this 27th day of March, 2009

Braddock & Logan Group III, L.P.

By: _____


(Principal)
Joseph E. Raphael - President

INSURANCE COMPANY OF THE WEST

By: _____


Susan Long Attorney in Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa

On 3/30/09 before me, Nancy E. Embrey, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared

JOSEPH E. RAPHEL

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

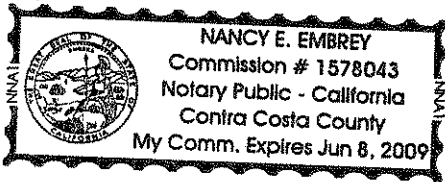
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Nancy E. Embrey
Signature of Notary Public

Place Notary Seal Above



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Rider Bond 220 97 82 / Paulson Lane

Document Date:

3/27/09

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

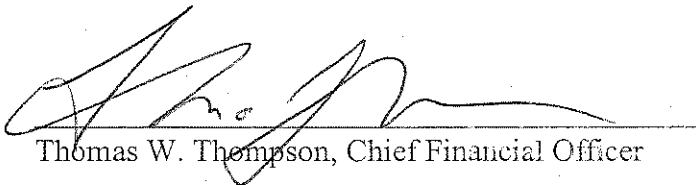
**RESOLUTION OF THE BOARD OF DIRECTORS
OF
BRADDOCK & LOGAN III, INC.,
a California corporation**

Authority of Officers, Tract 8939, Walnut Creek, Contra Costa County, CA

WHEREAS, the Board of Directors believes it is in the best interest of the Corporation, as general partner of Braddock & Logan Group III, L.P., a California limited partnership, to proceed with the development of Tract 8939, City of Walnut Creek, County of Contra Costa, and to execute such documents as may be required to do so.

RESOLVED, that Joseph E. Raphel, as the President of the Corporation, Thomas W. Thompson, as Chief Financial Officer of the Corporation, and Jeffrey S. Lawrence, as Vice President of the Corporation, are individually authorized, without the signature of the others or of any other person, to execute each document required to be executed by the corporation as general partner of Braddock & Logan Group III, L.P., a California limited partnership, with regard to Tract 8939, City of Walnut Creek, County of Contra Costa. The officers of the Corporation, including specifically Joseph E. Raphel, Thomas W. Thompson, and Jeffrey S. Lawrence, shall continue to have and exercise the same authority, responsibilities and duties previously held and exercised by each such officer (or their predecessor) in office, if any, until further resolution of the Board of Directors.

The undersigned certifies that the above resolution was duly adopted by the Board of Directors of the Corporation at a meeting held on March 26, 2009.


Thomas W. Thompson, Chief Financial Officer

ACKNOWLEDGMENT

State of California
County of Alameda)

On March 27, 2009 before me, Felicia Gregory, Notary Public
(insert name and title of the officer)

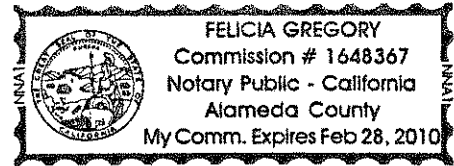
personally appeared Susan Long
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)



ICW GROUP
Power of Attorney
Insurance Company of the West
Explorer Insurance Company Independence Casualty and Surety Company

KNOW ALL MEN BY THESE PRESENTS: That Insurance Company of the West, a Corporation duly organized under the laws of the State of California, Explorer Insurance Company, a Corporation duly organized under the laws of the State of California, and Independence Casualty and Surety Company, a Corporation duly organized under the laws of the State of Texas, (collectively referred to as the "Companies"), do hereby appoint

SUSAN LONG, MICHAEL D. MIRSKY AND JOHN V. STOCK

their true and lawful Attorney(s)-in-Fact with authority to date, execute, sign, seal, and deliver on behalf of the Companies, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

In witness whereof, the Companies have caused these presents to be executed by its duly authorized officers this 2nd day of January, 2008.



INSURANCE COMPANY OF THE WEST
EXPLORER INSURANCE COMPANY
INDEPENDENCE CASUALTY AND SURETY COMPANY

Jeffrey D. Sweeney

J. Douglas Browne

Jeffrey D. Sweeney, Assistant Secretary

J. Douglas Browne, Senior Vice President

State of California }
County of San Diego } ss.

On January 2, 2008, before me, Mary Cobb, Notary Public, personally appeared J. Douglas Browne and Jeffrey D. Sweeney, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Mary Cobb

Mary Cobb, Notary Public

RESOLUTIONS

This Power of Attorney is granted and is signed, sealed and notarized with facsimile signatures and seals under authority of the following resolutions adopted by the respective Boards of Directors of each of the Companies:

"RESOLVED: That the President, an Executive or Senior Vice President of the Company, together with the Secretary or any Assistant Secretary, are hereby authorized to execute Powers of Attorney appointing the person(s) named as Attorney(s)-in-Fact to date, execute, sign, seal, and deliver on behalf of the Company, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

RESOLVED FURTHER: That the signatures of the officers making the appointment, and the signature of any officer certifying the validity and current status of the appointment, may be facsimile representations of those signatures; and the signature and seal of any notary, and the seal of the Company, may be facsimile representations of those signatures and seals, and such facsimile representations shall have the same force and effect as if manually affixed. The facsimile representations referred to herein may be affixed by stamping, printing, typing, or photocopying."

CERTIFICATE

I, the undersigned, Assistant Secretary of Insurance Company of the West, Explorer Insurance Company, and Independence Casualty and Surety Company, do hereby certify that the foregoing Power of Attorney is in full force and effect, and has not been revoked, and that the above resolutions were duly adopted by the respective Boards of Directors of the Companies, and are now in full force.

IN WITNESS WHEREOF, I have set my hand this 27th day of March, 2009.

Jeffrey D. Sweeney

Jeffrey D. Sweeney, Assistant Secretary

To verify the authenticity of this Power of Attorney you may call 1-800-877-1111 and ask for the Surety Division. Please refer to the Power of Attorney Number, the above named individual(s) and details of the bond to which the power is attached. For information or filing claims, please contact Surety Claims, ICW Group, 11455 El Camino Real, San Diego, CA 92130-2045 or call (858) 350-2400.

I declare under penalty of perjury
that this is a true and correct copy
of the attached document.
Date 04/24/09 Signed: [Signature]

Recorded at the request of : Clerk of the Board
Return To : J. Carlson
Public Works Dept.
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 04/21/2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:



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[Signature] on April 21, 2009

cc: J. Carlson, Engineering Services, K. Guruwaya, Construction, , M. Valdez, M&T Lab, , H. Finch, Maintenance, , I. Bergeron, Mapping Div., P. Edwards, Engineering Services, , Braddock and Logan Group III, LP