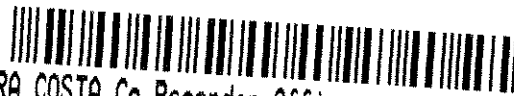


**RECORDED RESOLUTION**

Item No. C.5

Date: Nov. 10, 2009



CONTRA COSTA Co Recorder Office  
STEPHEN L. WEIR, Clerk-Recorder  
DOC- 2009-0269665-00

Friday, NOV 13, 2009 09:52:26  
FRE \$0.0011

Ttl Pd \$0.00

Nbr-0000315506  
lrc/R9/1-7

Recorded at the request of: J. LaRocque, Engineering Services  
Return To: D. Favero, 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 11/10/2009 by the following vote:

AYES:  5  
NOES:   
ABSENT:   
ABSTAIN:   
RECUSE:

Resolution No. 2009/522

Accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) RA 05-01206 (cross-reference SD 05-08984), project developed by O'Brien at Pacheco, LLC, as recommended by the Public Works Director, Martinez area.

These improvements are located along Pacheco Boulevard at Little Valley Road.

The Public Works Director has notified this Board that the Right of Way Landscaping Improvements in RA 05-01206 (cross-reference SD 05-08984) have been completed as provided in the Subdivision Agreement (Right-of-Way Landscaping) with O'Brien at Pacheco, LLC, heretofore approved by this Board.

NOW THEREFORE BE IT RESOLVED that the improvements have been COMPLETED as of November 10, 2009 thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement (Right-of-Way Landscaping):

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 (313-2315)

ATTESTED NOVEMBER 10, 2009  
David J. Twa, Clerk of the Board of Supervisors and  
County Administrator

By: [Signature] Deputy

cc: D. Favero, Engineering Services, Bell, Construction, P. Tehaney, M&T Lab, I. Bergeron, Mapping, V. Zayas, Special Districts, Zone 75, P. Edwards, Engineering Svc.,

DATE OF AGREEMENT NAME OF BANK/SURETY February 27, 2007 International Fidelity Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$43,100.00, Bond No. 0442413 issued by the above surety be RETAINED for the six month lien guarantee period until May 10, 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 upon acceptance by the Board of Supervisors the developer shall maintain the landscape improvements through the warranty period.

BE IT FURTHER RESOLVED that the beginning of the warranty and maintenance period is hereby established, and the \$1,000.00 cash deposit (Auditor's Deposit Permit No. 476514, dated January 11, 2007) made by O'Brien at Pacheco, LLC, and the performance/maintenance surety substitute for \$12,780.00, Bond No. 0442413(M) issued by International Fidelity Insurance Company be RETAINED pursuant to the requirements of Section 94 4.406 of the Ordinance Code until release by this Board