

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

Return To: **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 12/11/2012 by the following vote:

AYES: 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

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2012/502

IN THE MATTER OF accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) road acceptance RA 05-01186 (cross-reference subdivision SD 99-08381), 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)

These improvements are approximately located near Charbray Street.

WHEREAS The Public Works Director has notified this Board that the Right-of-Way Landscaping Improvements for road acceptance RA 05-01186 (cross-reference subdivision SD 99-08381) 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 improvements have been COMPLETED as of December 11, 2012, 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 January 6, 2009

NAME OF BANK/SURETY The Continental Insurance Company

BE IT FURTHER RESOLVED that the payment (labor and materials) surety for \$326,945.00, Bond No. 929467100 issued by the above surety be RETAINED for the six-month lien guarantee period until June 11, 2013, 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 on/for Charbray Street, as shown and dedicated for public use in the Final Map of Subdivision 99-08381, filed December 28, 2005, in Book 486, of final maps at page 33, Official Records of Contra Costa County, State of California, are ACCEPTED AS COMPLETE.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$6,500.00 cash deposit (Auditor's Deposit Permit No. 515324, dated December 18, 2008) made by Shapell Homes, a division of Shapell Industries, Inc.,

a Delaware Corporation and the performance/maintenance surety for \$326,945.00, Bond No. 929467100 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.

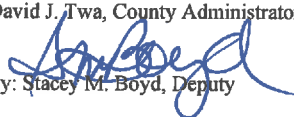
Contact: J. LaRocque, 925-313-2315



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: December 11, 2012

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

By:  Stacey M. Boyd, Deputy

cc: S. Reed, Design/Construction, M. Valdez, M&T Lab, J. Capozzo, Engineering Services, Shapell Homes 100 N. Milpitas Blvd., Milpitas 95035, Continental Insur. Co. 4150 N. Drinkwater Blvd Ste. 410 Scottsdale AZ 85251