

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

Return To: **PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION**

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 09/22/2015 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. 2015/321

IN THE MATTER OF approving the second extension of the Subdivision Agreement (Right-of-Way Landscaping) for Road Improvement Agreement RA10-01246 (cross-reference SD05-08969), for a project being 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)

WHEREAS The Public Works Director having recommended that she be authorized to execute the second agreement extension which extends the Subdivision Agreement (Right-of-Way Landscaping) between Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation and the County for construction of certain improvements for Road Improvement Agreement RA10-01246 (cross-reference SD05-08969), San Ramon (Dougherty Valley) area, through September 25, 2016;

APPROXIMATE PERCENTAGE OF WORK COMPLETE: 100% ANTICIPATED DATE OF COMPLETION: Complete.
BOND NO.: 929 553 673

DATE: July 9, 2012

REASON FOR EXTENSION: Improvements are in the warranty period.

NOW, THEREFORE, LET IT BE RESOLVED that the recommendation of the Public Works Director is APPROVED.

Contact: Jocelyn A.B. 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: September 22, 2015

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

By: June McHuen, Deputy

cc: J. A.B. LaRocque - Engineering Services, Engineering Services Originator: K. Dahl, Design/Construction, Current Planning - DCD, T - July 25, 2016, Shapell Homes, 6800 Koll Center Pkwy., Ste. 320, Pleasanton, CA 94566, Continental Insur. Co. 100 Matsonford Rd Radnor PA 19087 Attn: D. Dunnigan

CONTRA COSTA COUNTY

ROAD IMPROVEMENT AGREEMENT (RIGHT-OF-WAY LANDSCAPING) EXTENSION

Development Number: RA10-01246 (R.O.W.L.)

Developer: Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corporation

Original Agreement Date: September 25, 2012

Second Extension New Termination Date: September 25, 2016

Improvement Security

SURETY: The Continental Insurance Company

BOND No. 929 553 673

Date: July 9, 2012

Security Type

Security Amount

Cash:

\$ 3,100.00 (1% cash, \$1,000 Min.)

SURETY BOND:

\$ 46,185.00 (Performance)

\$ 155,500.00 (Labor & Material)

The Developer and the {Surety} desire this Agreement to be extended through the above date; and Contra Costa County and said {Surety} hereby agree thereto and acknowledge same.

Dated: _____

Dated: JULY 14, 2015

FOR CONTRA COSTA COUNTY
Julia R. Bueren, Public Works Director

Developer's Signature(s)

Richard M. Nelson

Printed

Developer's Signature(s)

Robert H. Moore

Printed 6800 Kull Center Parkway Suite 320
Pleasanton CA 94566

RECOMMENDED FOR APPROVAL:

Address

THE CONTINENTAL INSURANCE COMPANY

Surety or Financial Institution

100 MATSONFORD ROAD, SUITE 200, RADNOR, PA 19087

Address

Daniel P. Dunigan
Attorney in Facts Signature

DANIEL P. DUNIGAN, ATTORNEY-IN-FACT

Printed

(NOTE: Developer's, Surety's and Financial Institution's Signatures must be Notarized.)

FORM APPROVED: Victor J. Westman, County Council

After Approval Return to Clerk of the Board

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of PENNSYLVANIA

County of CHESTER

On JULY 14, 2015

Date

before me, ARLENE OSTROFF

, Notary Public

Name and Title of Notary

personally appeared

DANIEL P. DUNIGAN

Name and or Names of Signer(s)

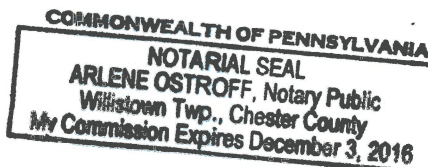
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

Notary Public Signature



Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the 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

Document Date

Number of Pages:

Signer's Name:

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

Signer is representing

THE CONTINENTAL INSURANCE COMPANY

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

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

Signer is representing

RIGHT THUMBPRINT
OF SIGNER
Top of thumb

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Daniel P Dunigan, Richard J Decker, Joseph W Kolok, Jr, Brian C Block, James L Hahn, William F Simkiss,
Individually

of Paoli, PA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

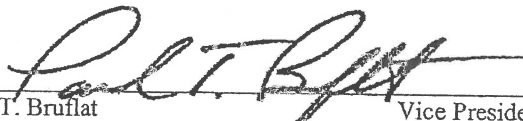
and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 16th day of June, 2015.

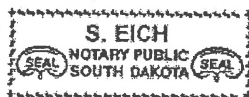


The Continental Insurance Company

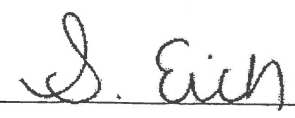

Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 16th day of June, 2015, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires February 12, 2021


S. Eich Notary Public

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 14TH day of JULY, 2015.



The Continental Insurance Company


D. Bult Assistant Secretary

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda)

On July 21st, 2015 before me, April Crawford, Notary Public-----
(insert name and title of the officer)

personally appeared Robert D. Moore and Richard M. Nelson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by 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

April Crawford

(Seal)

