

On March 19, 2007, the Board of Supervisors approved a Pre-Grading Agreement, Agreement No. A-11022 (Attachment A) and related actions, for Cathrein Acres Subdivision (also known as Cathrein Estates Subdivision) (PLN990330) to allow removal of 154 trees and grading for the subdivision. As required by the Pre-Grading Agreement, the subdivider posted Performance Bond No. 104950131(Attachment B) in the amount of \$127,000 and Payment Bond No. 104950131 (Attachment C) in the amount of \$63,500 for the grading activities under Permit No. GP070168 (Attachment D). On August 28, 2013, the Final Map for the subdivision was approved by the Board of Supervisors. A Subdivision Improvement Agreement, on file with the County Recorder as Document No. 2013057544 (Attachment E), which required that all subdivision improvements be bonded was also approved. Grading improvements under the Pre-Grading Agreement were started but were not completed. This unfinished work is proposed to be carried over to the overall subdivision improvements. Because the Subdivision Improvement Agreement required bonds for all improvements, and the unfinished pre-grading work was included in the newer bonds for the overall subdivision under the Subdivision Improvement Agreement (Attachment E), the subdivider has requested release of the Performance and Payment Bonds which were required in connection with the Pre-Grading Agreement No. A-11022.

The subdivider's consulting engineer has inspected the improvements under the Pre-Grading Agreement, has certified the extent of work completed to date, and has confirmed that the remaining unfinished work has been included with the improvement plans for Cathrein Acres Subdivision. The subdivider's consulting engineer has also provided a Pre-Grading Certification of work completed under the pre-grading permit (Attachment F) and Daily Field Reports (Attachment G). An Updated Engineer's Cost Estimate (Attachment H) identifying the overall subdivision improvements, including the work remaining from the pre-grading permit, was also provided by the consulting engineer. The overall subdivision improvements are bonded pursuant to the Subdivision Improvement Agreement (Attachment D).

Resource Management Agency-Public Works (RMA-Public Works) has been working with the Building Department to process the rescission of the Pre-Grading Agreement and release of the Bonds associated with said Pre-Grading Permit. Grading permits are reviewed and issued by the Building Department. RMA-Public Works reviews subdivision improvement plans. The Building Department concurs that it is acceptable to transfer the grading activities under the Pre-Grading Agreement to the work covered by the overall subdivision improvement plans. A new grading permit will be required to complete the remaining grading activities not completed under Permit No. GP070168 for pre-grading. The Building Department also supports the release of the Bonds associated with said Pre-Grading Agreement since those improvements are currently covered under the overall Subdivision Improvement Agreement (Attachment E) and related bonds.

The Performance Bond in the amount of \$127,000 and the Payment Bond in the amount of \$63,500 required by the Pre-Grading Agreement will be released in accordance with California Government Code Section 66499.7 (h) (Subdivision Map Act) after the passage of time for recording claims or liens.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

There is no financial impact to the General Fund. Sufficient appropriations are available in the County Surveyor budget (Fund 001, Unit 8196) to finance this work. Staff costs for processing the rescission of the Pre-Grading Agreement and release of the bonds associated with said Pre-Grading Agreement are minimal and funded with developer fees.

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Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Benny J. Young, RMA Director

Dated: April 11, 2014

Attachments: Attachment A-Pre-Grading Agreement, No. A-11022; Attachment B-Performance Bond; Attachment C-Payment Bond; Attachment D-Permit No. GP070168; Attachment E-Subdivision Improvement Agreement; Attachment F-Pre-Grading Certification; Attachment G-Daily Field Reports; Attachment H-Updated Engineer's Cost Estimate; Location Map (Attachments on file with the Clerk of the Board)