



Board Report

File #: WRAG 17-263, **Version:** 1

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors, upon approval as to form by County Counsel:

- a. Accept the Notice of Completion for the Project for installation and construction of channel improvements known as the Bryant Canyon Channel Improvement Project performed by UCP Soledad, LLC.; and
- b. Authorize the General Manager of Monterey County Water Resources Agency to execute and record within ten days with the County Recorder a Notice of Completion for said aforementioned public work pursuant to the provisions of California Civil Code Section 9204; and
- c. Accept from UCP Soledad LLC, a Certificate of Acceptance for the completed channel improvements known as the Bryant Canyon Channel Improvement Project for the purpose of operations and maintenance; and
- d. Accept a Warranty Security held by the Hanover Insurance Company, Maintenance Bond No. 1053486 in the amount of \$354,220 for a period of one year following the acceptance by the Monterey County Water Resources Agency Board of Supervisors and filing of the Notice of Completion of the work and Improvements against any defective work or labor done or defective materials furnished; and
- e. Approve the release of Security Bond for Faithful Performance and for Payment held by the Philadelphia Indemnity Insurance Company, No. PB03010403806 in the amount of \$1,948,210 and \$885,550 respectively, after the passage of time for recording claims or liens; and
- f. Authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation; and
- g. Authorize and direct the Clerk of the Board to submit the executed Certificate of Acceptance to the County Recorder.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors recommend that the Board of Supervisors of the Monterey County Water Resources Agency take the following actions, upon approval as to form by County Counsel:

- a. Accept the Notice of Completion for the Project for installation and construction of channel improvements known as the Bryant Canyon Channel Improvement Project performed by UCP Soledad, LLC.; and
- b. Authorize the General Manager of Monterey County Water Resources Agency to execute and record within ten days with the County Recorder a Notice of Completion for said aforementioned public work pursuant to the provisions of California Civil Code Section 9204; and
- c. Accept from UCP Soledad LLC, a Certificate of Acceptance for the completed channel improvements known as the Bryant Canyon Channel Improvement Project for the purpose of operations and maintenance; and
- d. Accept a Warranty Security held by the Hanover Insurance Company, Maintenance Bond No. 1053486 in the amount of \$354,220 for a period of one year following the acceptance by the Monterey County Water Resources Agency Board of Supervisors' and filing of the Notice of Completion of the work and Improvements against any defective work or labor done or defective materials furnished; and
- e. Approve the release of Security Bond for Faithful Performance and for Payment held by the Philadelphia Indemnity Insurance Company, No. PB03010403806 in the amount of \$1,948,210 and \$885,550 respectively, after the passage of time for recording claims or liens; and

- f. Authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation; and
- g. Authorize and direct the Clerk of the Board to submit the executed Certificate of Acceptance to the County Recorder.

SUMMARY:

The recommended actions will complete the acceptance of improvements of the completed Bryant Canyon Channel Improvement Project from the developer to the Monterey County Water Resources Agency in accordance with the approved Subdivision Improvement Agreement and Final Improvement Plans.

DISCUSSION:

On April 11, 2017, the Board of Supervisors of the Monterey County Water Resources Agency approved a Subdivision Improvement Agreement including the plans and specifications for improvements to the Bryant Canyon Channel, whereby the developer promised to install and complete, at their sole expense, all the improvement work required in connection with the proposed Bryant Canyon Channel Improvement Project. Section 4 of said Subdivision Agreement states, in part:

Upon completion of the work, the UCP SOLEDAD's Engineer shall file original sealed "as-built" plans with AGENCY Engineer and shall submit a sealed letter to AGENCY Engineer certifying that UCP SOLEDAD's Engineer has inspected the Improvements throughout construction and that said Improvements are completed in conformance with the Improvement Plans and in accordance with this AGREEMENT. Thereafter, the AGENCY Engineer shall file the notice of completion of the Improvements with the AGENCY Board of Supervisors. No Improvements shall be finally accepted or approved by AGENCY unless all aspects of the work have been inspected and certified as completed in accordance with the Improvement Plans and AGENCY standards. UCP SOLEDAD shall bear all costs of plan check, inspection and certification.

An easement was filed on August 24, 2017 granting a permanent exclusive easement to the Monterey County Water Resources Agency for a portion of the project. This was accepted by the General Manager pursuant to the authority conferred by Resolution No. 87-181 of the Board of Supervisors of the Monterey County Flood Control and Water Conservation District (now known as the Monterey County Water Resources Agency).

The County encroachment permit was finalized on October 11, 2017 and the County grading permit was finalized on October 13, 2017. On November 1, 2017, a final completion letter was received from a registered civil engineer certifying that the improvements were installed in conformance with the approved plans.

OTHER AGENCY INVOLVEMENT:

The office of the County Counsel will review and approve the proposed Notice of Completion and Certificate of Acceptance as to form and legality.

The City of Soledad Planning and Public Works Departments have collaborated throughout the project. Monterey County's Resource Management Agency staff issued permits and performed inspections throughout the construction.

FINANCING:

Funding for MCWRA staff to manage this project comes from Zone 8 assessment district, Fund 121. Staff plans to meet with the City of Soledad to evaluate future maintenance costs that will be collected once additional lots of this subdivision are annexed into the City.

Prepared by: Shaunna Murray, Associate Water Resources Engineer, (831) 755-4860

Approved by:

David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:

1. Draft Notice of Completion
2. Draft Notice of Acceptance
3. Board Order