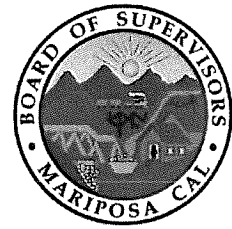


# MARIPOSA COUNTY

Public Works · (209) 966-5356



## **RESOLUTION - ACTION REQUESTED 2016-446**

MEETING: August 16, 2016

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Approve Grading Restoration Surety for Silvertip Project

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve the Form of a Faithful Performance Bond and Associated Covenant of Agreement to Establish a Grading Restoration Surety for the Silvertip Project; and Authorize the Board of Supervisors Chair to Sign the Covenant Agreement Upon Submittal of the Fully Executed Bond.

Condition 85 of the Silvertip Project states: "Prior to the issuance of any building or grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be 10% of the total construction cost of the project or equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the grading and final approval by the County, the required security shall be returned to the permit holder."

Public Works has established the appropriate size of the Surety, as described in the condition and including contingency, as \$5,500,000. County Counsel has reviewed and approved the form of the bond and the associated Covenant Agreement. It is therefore requested that the Board approve the form of these documents, and authorize the Board Chair to execute the Covenant Agreement upon submittal of the executed Bond, which is a prerequisite to the issuance of a grading permit.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

This Condition is specific to the Silvertip project and is therefore does not rely on a prior history of Board actions on this matter. The County has, however, previously accepted similar surety to ensure performance and/or restoration of approved projects.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

The Board could choose to direct changes to the documents and approve them in the modified form subject to the concurrence of the submitting party. The Board could choose to reject the form of the Bond which would place the satisfaction of

condition 85, and by association the entire project, in jeopardy.

**FINANCIAL IMPACT:**

**None**

**ATTACHMENTS:**

**Silvertip Restoration Surety (DOCX)**

**Silvertip Covenant Agreement (DOCX)**

**Silvertip Surety Exhibits A and B (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended



Mary Hodson, CAO

8/11/2016

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier