



# MARIPOSA COUNTY

Public Works · 209 966 5356



## **RESOLUTION - ACTION REQUESTED 2018-82**

MEETING: February 27, 2018  
TO: The Board of Supervisors  
FROM: Mike Healy, Public Works Director  
RE: Approve a Bond and Covenant for Grading Restoration Surety for Tenaya Cabins

---

### **RECOMMENDATION AND JUSTIFICATION:**

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

Condition 36 of the Tenaya Cabins 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 plus 50% contingency. This amount of the surety is to be confirmed by the Department of Public Works, 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 \$2,746,773. 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 Tenaya Cabins project and 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

## Resolution - Action Requested 2018-82

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 36, and by association the entire project, in jeopardy.

**FINANCIAL IMPACT:**

**None**

**ATTACHMENTS:**

**Grading Plan Exhibit B (PDF)**

**Covenant Agreement - Tenaya Cabins(DOCX)**

**Tenaya Cabins Project- Perf Bond (DOC)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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