



ARTICLE VIII -- AGREEMENTS AND BONDS FOR IMPROVEMENTS

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Sec. 17-73 Requirement Of Subdivision Improvement Agreement.

If any improvement required by this Chapter by the Planning Commission as a condition of approval of the tentative map, by the Board of Supervisors, or by law is not completed to the satisfaction of the County Engineer at the time the final map, parcel map, or unilateral agreement is submitted for filing, the subdivider shall execute and file a subdivision improvement agreement between himself and the County. (*Ord. No. 3089, adopted 1978*)

Sec. 17-74 Contents of Agreement.

Said subdivision improvement agreement shall:

(A) Specify the period which all improvement work shall be completed to the satisfaction of the County Engineer.

(B) Provide that if subdivider fails to complete such work within the specified period, that the County may elect to complete same and recover the full cost and expense thereof from the subdivider or his surety. Said costs and expenses shall be recorded as a lien against all lots and parcels within the division of land.

(C) Require that the subdivider, to assure his full and faithful performance pursuant to the agreement, provide a bond in such sum as is sufficient to cover the cost of said improvements. The amount of said bond shall be based on an approved engineer's estimate of cost plus a 15% contingency.

(D) Provide for the following bonds:

(1) 100% Faithful Performance Bond.

(2) 50% Labor and Materials Bond.

(3) 100% Survey Monumentation Bond.



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Such bonds shall be executed by a surety company authorized to transact a surety business in the State of California and must be approved as to form and sufficiency by the Board of Supervisors. In lieu of said bonds, the subdivider may deposit cash, certified or cashier's check or instrument of credit, with the Board of Supervisors.

(E) Provide that the materials and labor bond shall not be released until the lapse of six (6) months after the final acceptance of all work covered by the agreement with the Board of Supervisors.

(F) Require that if street improvements are to be accepted into the County Maintained System, the subdivider shall enter into an unconditional maintenance and repair agreement for said street improvements as follows:

(1) Said maintenance and repair agreement shall be for a period not to exceed twenty-four (24) months.

(2) Said agreement shall commence upon the completion of all subdivision improvements but in no case prior to the effective release of the faithful performance bonds.

(3) Said agreement shall be secured by the necessary surety, bond, cash deposit, certified or cashier's check or instrument of credit in the form and the amount as approved by the Board of Supervisors; said amount shall be not less than five (5) percent of the estimated cost of street improvements.

(G) Conform with all applicable provisions of state law and this Chapter.

Sec. 17-75 Additional Terms.

The agreement may also provide for, but is not limited to, the following:

(A) Construction of improvements in units.

(B) An extension of time under conditions therein specified.

(C) Progress payments to the subdivider from any deposit money which the subdivider may have filed in lieu of a surety bond, however, no such progress payment or release of surety shall be construed to be an acceptance of any part or portion of the required improvements, or the acceptance of any defective work or improper materials.

Sec. 17-76 Progress Payments, Releases, and Time Extensions.

Progress payments, surety releases, and extensions of time in which the subdivider may complete the work required by the subdivision improvement agreement shall be granted



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only upon the following terms and only upon the condition that such will not in any way constitute acceptance, whether partial or total, of any improvement:

(A) Progress Payments and Releases. No progress payments or release of any surety bond shall be made except upon certification by the County Engineer that the work required in order to qualify for such payment or release has been satisfactorily completed and not then until approval of the Board of Supervisors by a four-fifths vote.

(B) Time Extensions. No extension of time shall be made except upon (1) the recommendation of the County Engineer, said recommendation to include a finding that the subdivider is proceeding to do the work required with all reasonable diligence and has given satisfactory evidence of being able and willing to complete all of the work required within the time contemplated by the requested extension, (2) written approval by sureties agreeing to extend for the additional period of time at the original amount of the bond, or, if recommended by the County Engineer, at an increased amount, and (3) the approval of the Board of Supervisors by a four-fifths vote. The Board may, as consideration for granting a time extension, require the subdivider to agree to comply with whatever additional requirements the Board deems reasonable to protect the public interest.

Sec. 17-77 Acceptance Not Evidence of Performance or Partial Acceptance.

No certificate given, progress payment made or release of any surety, except the final certificate of acceptance, shall be considered as any evidence of the performance of the agreement either wholly or in part. There will be no partial acceptance of any improvements.

Sec. 17-78 Inspection and Maintenance Agreement.

Prior to the final approval of the improvement work by the Board of Supervisors:

(A) The unconditional maintenance and repair agreement must be entered into.

(B) Two (2) members of the Board, to be appointed by the Chairman from districts other than that in which the work is being done, shall inspect same with the County Engineer or his duly authorized representative and shall report their findings and recommendations to the Board in written form.

(C) The County Engineer shall submit a statement that the work has been completed in substantial compliance with the plans and specifications.