

## RESOLUTION NO. 20-106

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 180023, 2017 STORM DAMAGE REPAIRS ON PEACHLAND ROAD, COUNTY ROAD 128, MILEPOST 0.35 (BOONVILLE AREA)**

WHEREAS, by Resolution Number (No.) 17-065 adopted May 16, 2017, the Mendocino County Board of Supervisors authorized Department of Transportation (DOT) to advertise and award DOT Contract No. 180023; and

WHEREAS, on April 16, 2020, DOT awarded DOT Contract No. 180023 to Mendocino Construction Services, Inc., of Willits, California (CONTRACTOR), for the 2017 Storm Damage Repairs on Peachland Road, County Road 128, Milepost 0.35; and

WHEREAS, final inspection and submission of contract records for the construction activity on the project was made pursuant to the Recommendation for Acceptance and filing of Notice of Completion accompanying this resolution; and

WHEREAS, Section 9204 of the California Civil Code provides that a public entity may record a notice of completion on or within 15 days after the date of completion of a work of improvement and Section 9200 provides that completion of a work of improvement occurs at the earlier of the acceptance of the work of improvement by the public entity or the cessation of labor on the work of improvement for a continuous period of 60 days; and

WHEREAS, Section 9356 of the California Civil Code provides that a stop payment notice is not effective unless given before the expiration of 30 days after the recordation of a Notice of Completion; and

WHEREAS, Section 9558 of the California Civil Code provides that a claimant may commence an action to enforce the liability on a payment bond no later than six months after the period in which a stop payment notice may be given under Section 9356 of the Civil Code.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Accepts the completed work, approves the form of Notice of Completion, and authorizes the Director of Transportation to execute the Notice of Completion for DOT Contract No. 180023 and file it with the County Recorder; and
2. Authorizes and directs the Director of Transportation to release, in accordance with the following schedule, the contract bonds filed by the contractor, Mendocino Construction Services, Inc., P.O. Box 1517, Willits, CA 95490, pursuant to the provisions of DOT Contract No. 180023 executed April 16, 2020; and
3. Authorizes and directs the Director of Transportation to release, thirty days from the date of recordation of Notice of Completion, upon confirmation with the Clerk of the Board and the Auditor that no claims or lawsuits have been filed against same, the Performance Bond (No. 107245804) in the amount of \$262,975.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183; and

4. Authorizes and directs the Director of Transportation to release, thirty days plus six months from the date of the recordation of Notice of Completion, providing no claims or lawsuits have been filed against same, the Labor and Materials Bond (No. 107245804) in the amount of \$262,975.00 issued by the Travelers Casualty and Surety Company of America, Hartford, CT, 06183.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Williams, and carried this 18<sup>th</sup> day of August, 2020, by the following vote:

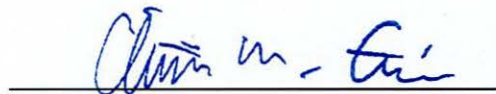
AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams  
NOES: None.  
ABSENT: None.


WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel



  
JOHN HASCHAK, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy



When recorded please mail  
copy of this instrument to:

**COUNTY OF MENDOCINO  
DEPARTMENT OF TRANSPORTATION  
340 LAKE MENDOCINO DRIVE, UKIAH, CA 95482**

*No Fee Pursuant to Government Code 27383*

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**SPACE ABOVE THIS LINE FOR RECORDER'S USE  
NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned owner, being the COUNTY OF MENDOCINO, STATE OF CALIFORNIA, acting by and through its BOARD OF SUPERVISORS, caused certain construction and/or improvement work to be performed within the County of Mendocino, which work is generally described as being

**DOT CONTRACT NO. 180023  
2017 STORM DAMAGE REPAIRS ON  
PEACHLAND ROAD, CR 128, M.P. 0.35  
DOT PROJECT NO. F-1706.601**

2. The contract for the performance of said construction was awarded to:  
  
MENDOCINO CONSTRUCTION SERVICES, INC.  
P.O. BOX 1517  
WILLITS, CA 95490
3. On the 23th day of JUNE 2020, said construction was completed in substantial compliance with the approved plans, specifications, and authorized changes thereto.
4. Said Contractor, MENDOCINO CONSTRUCTION SERVICES, INC., was the Contractor for said construction and Travelers Casualty and Surety Company of America was surety for the Contractor's Bonds.
5. I certify under penalty of perjury under the laws for the State of California that the foregoing is true and correct.

THIS NOTICE is given on this 18th day of AUGUST 2020.

COUNTY OF MENDOCINO, UNDERSIGNED OWNER

BY: \_\_\_\_\_  
Howard N. Dashiell  
DIRECTOR OF TRANSPORTATION