

## **ARTICLE XI. IMPROVEMENT AND GUARANTEE SECURITIES**

(Ord. No. 1419, §1)

### **Sec. 26-116. Prepayment of real property taxes for approval of lot line adjustment**

As authorized under California Government Code section 66412, subdivision (d), prior to the approval of a line lot adjustment, the applicant shall obtain a written certification from the Tax Collector that there are no unpaid real property taxes.

(Ord. No. 1598, §47)

### **Sec. 26-121. Requirement of improvement security**

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act, for which security is required by the Subdivision Map Act or this Chapter, shall be secured in the manner and amounts provided in the Subdivision Map Act and this Article. An improvement security shall be posted both to secure the faithful performance of each improvement agreement and to secure payment by the subdivider to the contractor and his subcontractors and to persons renting equipment or furnishing labor or materials to them in connection with the performance of such improvement agreement.

(Ord. No. 1608, §2)

### **Sec. 26-122. Type of improvement security.**

The improvement security may, at the option of the subdivider, with approval of the County, be any one of the types specified in subsection (a) of Section 66499 of the Subdivision Map Act.

(Ord. No. 1608, §2)

### **Sec. 26-123. Amount of improvement security:**

#### **Sec. 26-123.1. Bond security amount**

If the improvement security is in the form of bonds, the bond securing faithful performance shall be in an amount equal to the estimated cost, as approved by the County Engineer, of the improvements or the act to be performed, and the bond for the security of laborers and material men shall also be in an amount equal to such estimated cost of the improvements or the act to be performed, and shall include costs and reasonable expenses and fees as authorized by Section 66499.4 of the Subdivision Map Act.

(Ord. No. 1608, §2)

#### **Sec. 26-123.2. Non-bond security amount**

If the improvement security is in some form other than bonds, the total amount of such

security for both faithful performance and for laborers and material men shall be in an amount equal to 150% percent of the estimated cost of the improvements or act to be performed. At the option of the County Surveyor any fraction ranging from one-third to two-thirds of the total amount of such security may be applied to secure faithful performance and the balance may be applied to secure laborers and material men, and shall include costs and reasonable expenses and fees as authorized by Section 66499.4 of the Subdivision Map Act.

(Ord. No. 1608, §2)

**Sec. 26-124. Release of improvement security**

After full and faithful performance of the improvement agreement by the subdivider, and after acceptance by the County Surveyor of the guarantee security pursuant to Section 26-125 and compliance by the subdivider with the provisions of Section 26-115, the County Surveyor will release all improvement security posted to secure faithful performance of the agreement. The County Surveyor may accept a cash deposit, or a certificate of deposit, necessary to accomplish the required performance in lieu of all, or part, of such performance when he or she finds it is reasonable and necessary. The County Surveyor may accept deferred construction, secured by agreement and by good and sufficient improvement security, when he or she finds that such deferred construction is reasonable and necessary. Upon request of the subdivider, the County Surveyor may at his or her discretion reduce the amount of the improvement security by partial release in an amount not exceeding 50% of the total estimated cost of improvements of the subdivision when a corresponding percentage amount of the improvements has been fully completed to the satisfaction of the County Engineer. However, in no circumstances shall such partial release constitute acceptance of the improvements upon which such partial release is granted. All security posted to secure laborers and material men will be released pursuant to subdivision (b) of Section 66499.7 of the Subdivision Map Act.

(Ord. No. 1608, §2)

**Sec. 26-125. Guarantee**

All improvements required for a subdivision by this Chapter or the Subdivision Map Act shall be guaranteed by the subdivider for a period of one year following final acceptance of all improvements of the subdivision. The guarantee shall extend only to such replacement and/or repair as may be required during the guarantee period in excess of routine maintenance for ordinary wear and tear. A guarantee security guaranteeing such replacement and/or repair in an amount of at least 10% of the estimated cost of the improvements shall be posted prior to exoneration pursuant to Section 26-124 of any improvement security pertaining to those improvements. The amount of the guarantee security in no way limits the subdivider's guarantee as required by this Section. Following notification by the County Engineer of the need for such work the subdivider shall promptly replace and/or repair the improvements.

(Ord. No. 1608, §2)