

### III. BONDS, MAP RECORDATION AND CLEARANCES

#### A. BONDS

Also see the Web site under Transportation, Land Development/Bonding for additional information ([http://rctlma.org/trans/land\\_dev\\_bonding.html](http://rctlma.org/trans/land_dev_bonding.html)).

Any work related to a PP, CUP or MS case, within road right-of-way, which has an estimated construction cost of at least \$50,000.00 or on a General Plan road, need a Road Closure Permit or affecting the travel way, must be bonded. All PM and TR cases irrespective of size requiring improvements must be bonded or the improvements built prior to map recordation per Ordinance 460. If the construction affects an existing County road, a bond may still be required as determined by the Transportation Department. A lien may be filed on the property to cover the improvements instead of a bond if there will not be any activity for a few years. The process is similar to a bond and is allowed by ordinance 460. The Transportation Department bonds for all improvements within the existing and future public right-of-way. Bond amounts are prepared by the design engineer on the County's Construction Cost Estimate and checked by the plan checker assigned to the job. (See Section II.) When the plan checker determines that the plans are "close enough" (so design and quantities of work will not change significantly at final signature), the project can be processed for bonding, typically after the 2<sup>nd</sup> plan check.

Bond Process Options include:

- 100% Bond Sign Plans, Construct (For MS and Use cases requiring work on County maintained roads per above.)
- 100% Bond Sign Plans, then Record Map
- 120% Bond (if allowed) Record Map, then Sign Plans
- 10% Bond Sign Plans, Construct, and then Record Map
- 100% Offsite Bond Sign Plans, Build, then Record Map (When work on County maintained road required.)

(All bonded projects post 10% bond after construction for a 1-year period to guarantee materials and workmanship.)

(All maps post 10% bond even if Non County Maintained.)

The 120% level of bonding is allowed by County Ordinance, and is processed at the discretion of the Transportation Department. Reasonable justification and a standard format letter (see Appendix A5) are required to make the request for this type of bond.

All bond amounts must be based on the current Transportation unit costs and standard cost estimate worksheet.

Transportation inspection deposits are 3% of the construction costs for schedule A map, not to exceed \$75,000.00, calculated at the 100% level of the construction cost estimate, irrespective of which level of bond is being posted for

the project. Such deposits are calculated at the same time the plan checker processes the bond values. The inspection deposit is required prior to map clearance to record. If a lien is being processed, the \$12,000 deposit takes the place of the inspection amount.

Flood Control prepares their own cost estimate, and includes those facilities which are maintained by RCFC&WCD. Drainage facilities to be maintained by Transportation, appearing on Transportation and/or RCFC format sheets, are to be included in the applicant engineers estimate for the Transportation bond. An official letter from Flood Control, on RCFC letterhead and bearing the seal and signature of the RCFC, is required to process any bonding amount for Flood facilities. A cost estimate generated by the applicant engineer is not acceptable.

There are various sureties that are acceptable for covering required improvements including bonds, CDs naming the County of Riverside, letters of credit, cash or property liens. When the bond amount is \$5,000 or less a cash bond is required. See Ordinance 460 Article XVII Sec 17.1.

The Fee and Security Worksheet prepared by the plan checker includes an amount for the Monument Security Bond from the County Surveyor's Office. This data must be generated by the map checker, and only applies to Tract Map and Parcel Map (except schedules E, F, G and H) cases.

The Fees and Security Worksheet is sent to the Washington Street yard by the plan checker, where the actual bonds/agreements are prepared. Once done the County will notify the developer to pick them up. When executed by the developer/owner and returned they are processed to County Counsel for legal review and approval. Upon approval they are sent to the map checker to be processed with the map.

Transportation holds bonds for Flood Control, water and sewer districts and only bonds for improvements within the county right-of-way. Bonds need to be in place prior to road closures.

You can check the status of the bonds at [http://rctlma.org/Portals/7/documents/bond\\_status\\_report.pdf](http://rctlma.org/Portals/7/documents/bond_status_report.pdf)

## B. STAND ALONE

Every project must "stand alone" and be so designed as if no other project ever constructs, this includes map phases. A project might be designed to rely on another tract to build certain necessary facilities. Projects, however, may go bankrupt, change owners, change construction schedule, or for other reasons become unreliable. The bond for one project cannot be used to cover the obligation of another project, even if it is the same facility, even if it is the same owner. For this reason, each project must "stand alone."

Each project is required to provide:

- 1) Approved plans (May be done by another engineer.).
- 2) Bond for *all* facilities needed to make project function and as dictated by the conditions of approval.
- 3) Recorded right-of-way, easements or off-site facilities.

Each project is responsible to connect to an existing, maintained facility. If the connection facility is existing but not maintained by a government agency (County, City, State, District), the facility must also be bonded by the project or as approved by the Transportation Department.

During construction, a bond may be reduced for partially completed work. By ordinance, each reduction is for 1/3 of the bond value.

Every project must “stand alone” as if no other project ever builds or records around it. Every project must provide its own:

- Bond for interior work
- Bond for off-site access work
- Recorded right-of-way, outside map
- Inspection fee
- Approved plans
  1. Phases of a map may be owned by the same developer “today”, but may be sold off to another developer that has a different schedule. Because phases may be bought and sold by others, each project must be self sufficient and “stand alone”.
  2. The bond for a project must match the exact tract number and phase of the map to be cleared. The bond of one phase cannot be used to pay off the obligation of another phase (i.e. the 29334 bond cannot be used for obligations in the 29334-2 map).
  3. If an access road to a map might be built by another project, the applicant may provide two bonds on the same project: On-Site bond and Off-Site bond. If the other project builds the required access road, it is simpler to release the Off-Site bond as a package, rather than delay the process by reducing all-encompassing bond item by item, line by line.
  4. Right-of-way for an access road to a map has to be provided by dedication by separate instrument, or by an adjacent map recording prior to this project. If the adjacent map is not yet recorded, or the separate instrument is not yet recorded, the project has no legal access and cannot be cleared to record.
  5. Each project must fund its own inspection fees for On-Site and Off-Site work.
  6. No project may refer to unapproved plans. If a project needs another road or other facility to be constructed to make the project function (road, water supply, downstream sewer), it may refer to plans already approved and on file at the County. If the plans by others are not yet approved, the project plans cannot be signed.
  7. In the case of multiple phases of maps utilizing the same access road, the developer may elect to process an “MS” case to avoid multiple bonding of the same facility. The MS case would be a set

of street plans to serve the access needs of a series of maps or phases; the bond would name all of the tracts to be served, and the project would be bonded only once.

### C. MULTIPLE BONDING

As each project must “stand alone”, it is possible that the same facility needed to make several projects function would be bonded several times. As an example: a road that serves four different maps may have to be bonded four separate times, one for each map.

To avoid this, and reduce the cost of bond premium to the developer, the County will allow an “MS” case (“Miscellaneous”), which may be an engineer’s drawing of the common facilities that serve multiple projects for the same owner. This would include, but is not limited to: street, storm drain, sewer, water, landscape, and streetlight. One bond can be generated for this “MS” case, and that bond will name on it all of the tracts that need the common facility to function.

On the improvement drawings for the tract, the title sheet is to show an alignment of the offsite “MS” project on the Index Map, reference for the MS and IP numbers, reference the recorded R/W, and provide a typical section of the offsite road that is to be built with the tract project.

### D. FACILITIES BUILT BY OTHERS

Some projects may be designed to rely upon a road, sewer, and water or storm drain system that is currently being built by another project. The “downstream” facility may not yet be accepted for maintenance, even though it exists and is functioning.

In these cases, the Transportation Department may allow a reduced bond for the offsite work being completed by others. It is up to the Construction Inspection Office if and by how much a bond is to be reduced. For water, sewer and RCFC storm drains, the Transportation Department requires consent from the agency of jurisdiction to bond at the reduced level. Otherwise, the 100% level will be required.

### E. CALTRANS FACILITIES

Caltrans (California Department of Transportation) has jurisdiction for work on state highways. For projects conditioned by the County of Riverside, a County bond must be posted, including work within state highway right-of-way. If the bond can name the county and the state, one bond may satisfy the requirements. If the bonding company will not allow naming both agencies, Caltrans may require the developer to *also* bond the same facility with the State, or any portion thereof. The County has neither jurisdiction nor control over the bonding requirements imposed by the State. The County requires a bond as a guarantee that the developer will meet the conditions of approval as approved by the Board of Supervisors. Also see Section IV L.

## F. PRIVATE FACILITIES

Whether a facility will ultimately be accepted for maintenance by the County of Riverside, or will be privately maintained, the project proponent will need to post a bond with the County for conditioned projects. The bond guarantees construction of the facility irrespective of which agency ultimately provides maintenance.

## G. MAP RECORDATION

In order for the Transportation Department to clear a map for recordation, the following items must be addressed:

1. 100% Bond level
  - a. Plans signed
  - b. Inspection deposit paid
  - c. Bonds approved by County Counsel
  
2. 120% Bond Level
  - a. Inspection deposit paid and any Plan Check deposit still due.
  - b. Bonds approved by County Counsel
  - c. Offsite R/W, easements and/or permission to grade obtained
  
3. 10% Bond Level
  - a. Inspection deposit paid
  - b. Bonds approved by County Counsel
  - c. Notice of Completion issued by Inspection

Other items that must be addressed for map recordation may include Assessment District, offsite R/W recordation, offsite easement recordation, landscape annexation application, and other issues particular to each individual project.

The offsite right-of-way and offsite easements need to be cleared environmentally, in the same way as the project itself was cleared, as well as recorded prior to or concurrently with the map.

A request to clear the map must be made to the plan checker. If the project is checked by County staff they are the ones to actually clear the route and conditions in the computer system. If the plans were checked by a consultant plan checker, they will let the plan check supervisor know that the map can be cleared and the supervisor will assign in-house staff to clear this map in the computer system.

When developer wishes to have their map cleared to record from the Transportation Department, the following items must be verified:

- Improvement plans are signed\*

- Bonds are approved by County Counsel
  - Inspection deposit is paid
  - RBBD/Assessment District COAs are noted “MET” or “DEFERRED”
  - BMP, graffiti, signal, streetlight annexation COAs are noted “MET” or “DEFERRED”
  - (\*=Plans may be “close” to signature or if a 120% bond is posted)
1. Plan Check does not know the developers schedule for map clearance, therefore the engineer or developer needs to contact the plan checker when they believe they have met the criteria for map clearance to record. Some developers will wait several months after plan approval before seeking clearance on map recording.
  2. Plan checker will then research the criteria listed above, and provide a response if the map can, or cannot, be cleared to record. If the street plans were checked by a consultant checker, they will notify the plan check supervisor to begin map clearance.
  3. CFD, RBBD/Assessment District COAs are cleared by other staff. The plan checker will contact the staff member responsible for this clearance and request it be reviewed and cleared to satisfy COA. (CFD, RBBD and TUMF – (951) 955-0043, Assessment District by the Plan Checker.
  4. Street Light Annexation COA is cleared by Plan Check based on the recommendation by others. This is to guarantee funding of the energy charges for the lights, annexation application, and other streetlight related functions. Plan Check will contact the party needed to request their recommendation for clearing these COA’s.
  5. If development is not in CSA jurisdiction, then developer needs to apply for annexation to related maintenance district for all LLMD conditions and provide documentation by the district (i.e. JCSD, Valley wide, etc.) confirming annexation was applied for signal maintenance, graffiti abatement, streetlights, landscaping, and street sweeping. In some areas street sweeping is done by Burrtec or Waste Management Department, in this situation we need a letter from these entities, stating the streets are within their area. (CSD Annex – CSA Administrator (951) 955-6146, L&LMD Annex – L&LMD Administrator at (951) 955-6767)
  6. County ordinance allows a developer to post a bond of 120% of the total construction cost on a project. With a 120% bond in place, the map can be recorded without the plans being signed. The plan checker must be convinced that the plans are “sufficiently close” to the final quantities to allow the 120% level bond. The developer is obligated to continue the plan check process after the map is cleared to record. The sample letter for requesting 120% bonding is provided in the Appendix.
  7. All 50.TRANS (MAP RECORDATION) “DEFERRED” conditions of approval should be moved to the 80.TRANS or 90.TRANS (BUILDING PERMIT or OCCUPANCY) milestone. (The following conditions will be cleared as designated: 60.TRANS – Plan Checker, 80.TRANS, 90.TRANS and Permit Cases – Permits, and PM and TR maps – Construction Inspection.)

## H. MAP CLEARANCE WITHOUT PLANS

There are some projects which do not require any improvements as a condition to record the map. Plan Check can clear such a map at the developer's request.

1. To clear such a project to record, the developer/engineer should submit a package of:
  - Final Map
  - Conditions of Approval (COA)
  - Tentative Map
  - Grading Plan (if available)
2. Projects may not require additional road improvements, however any road improvements that are volunteered by the applicant must go through plan review, obtain an encroachment permit, and pay inspection fees. This would include such right-of-way work as:
  - Curb, gutter, sidewalk, landscaping, street lights
3. If there are existing public-record plans that cover the area, it may be possible to revise a set of existing drawings rather than generate a whole new set of plans.

### Clearance after construction

1. After project construction, the clearance should be requested through the inspector on the project. Typically any tract will be cleared by personnel at the yard office. (951) 955-6885.  
  
All other cases (not related or part of a map) will be cleared by the Permit office (951) 955-6790.
4. Bond release for unrecorded maps (withdrawn)
  - To release bonds, a letter requesting release is required to be sent to the Construction Office attention Hugh Smith. It will need to include case number, project number (if different), owner and engineer, as well as reason for request.
  - Once received, the Construction Office will contact Flood Control, water and/or sewer district to inquire about any facilities they may have and to get concurrence for bond release.
  - Also, Construction will contact Survey for the original executed agreements and notify them to place a hold on the case until bonds are resubmitted.
  - The account balances are checked and if all accounts are up to date, a hold is placed on them and bonds can be picked up at the office and a release is issued for the bonds.