

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING INITIAL ACCEPTANCE AND AUTHORIZING REDUCTION IN PENAL SUM OF SUBDIVISION IMPROVEMENT BOND

WHEREAS, certain subdivision improvements were installed in Tract No. 9569 Parc Place Condominiums, Project No. 3169, under and pursuant to the provisions of a subdivision improvement agreement between the City of Milpitas, a municipal corporation of the State of California and Western Pacific Housing, Inc., a Delaware Corporation, subdivider; and

WHEREAS, said subdivider, as principal, and Arch Insurance Company, bond SU5008980, as surety, executed a certain faithful performance bond conditioned upon the faithful performance of the provisions of said subdivision agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said subdivision improvements have been completed, but the improvement agreement provides that the bond shall extend for a period of one year after the date of said acceptance of said subdivision improvements to cover the warrantee period of said improvements under said agreement; and

WHEREAS, the City Council is willing to consent to a reduction in the penal sum of said bond during said one-year period; and

WHEREAS, the City Engineer of the City of Milpitas has made a final inspection of said improvements and recommends that the City Council of the City of Milpitas accept the same as constructed in accordance with the approved plans and Specifications;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas as follows:

1. That those certain subdivision improvements installed in Tract No. 9569 Parc Place Condominiums, Project No. 3169, be and are hereby accepted as constructed in accordance with the approved plans and Specifications upon recommendation of the City Engineer of the City of Milpitas.
2. That the penal sum of that certain faithful performance bond furnished by the above named subdivider, as principal, and the above named surety in connection with that certain subdivision improvement agreement for the above designated subdivision, may be reduced to the sum of \$200,000.00, upon request of said principal and surety, said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of said bond.
3. Provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the subdivider or his surety, or sureties, by law or by the above referred to subdivision improvement agreement, save and accept as expressly set forth herein.

PASSED AND ADOPTED this _____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

PROJECT SITE



VICINITY MAP



NTS