

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING REDUCTION IN PENAL SUM OF SUBDIVISION IMPROVEMENT BOND**

**WHEREAS**, certain subdivision improvements were installed in Tract No. 9697 and Tract 9699, Project 3160, under and pursuant to the provisions of two separate subdivision improvement agreements between the City of Milpitas, a municipal corporation of the State of California and KB Home South Bay, Inc., subdivider; and

**WHEREAS**, said subdivider, as principal, and Travelers Casualty and Surety Company of America, bond 104795853, and Continental Insurance Company, bond 929388501, as surety, executed certain faithful performance bonds conditioned upon the faithful performance of the provisions of said subdivision agreements and upon the faithful performance of all improvement work required thereunder; and

**WHEREAS**, more than 90% of the subdivision improvements have been completed; and

**WHEREAS**, the City Council is willing to consent to a reduction in the penal sum of said bonds, as permitted by Government Code section 66499.7 et seq.; and

**WHEREAS**, the City Engineer of the City of Milpitas has made an inspection of said improvements 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 more than 90% of those certain subdivision improvements installed in Tract No. 9697 and Tract 9699, Project 3160, further identified as: water mains, sewer main and pavings, be and are hereby constructed in accordance with the approved plans and Specifications upon recommendation of the City Engineer of the City of Milpitas.
2. That the subdivider shall be responsible for maintenance, loss and damage to the completed improvements until all required public improvements have been fully completed in accordance with the plans and specifications and accepted by the City Council.
3. That the penal sum of those certain faithful performance bonds furnished by the above named subdivider, as principal, and the above named sureties in connection with the subdivision improvement agreements for the above designated subdivisions, may be reduced to the sum of \$91,600.00 (bond 104795853) and \$55,780.00 (bond 929388501) respectively, upon request of said principal and sureties, said penal sums as reduced to apply from the dates of completion of said improvements and to extend for the balance of the terms of said bonds.
4. 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 agreements, save and except as expressly set forth herein.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

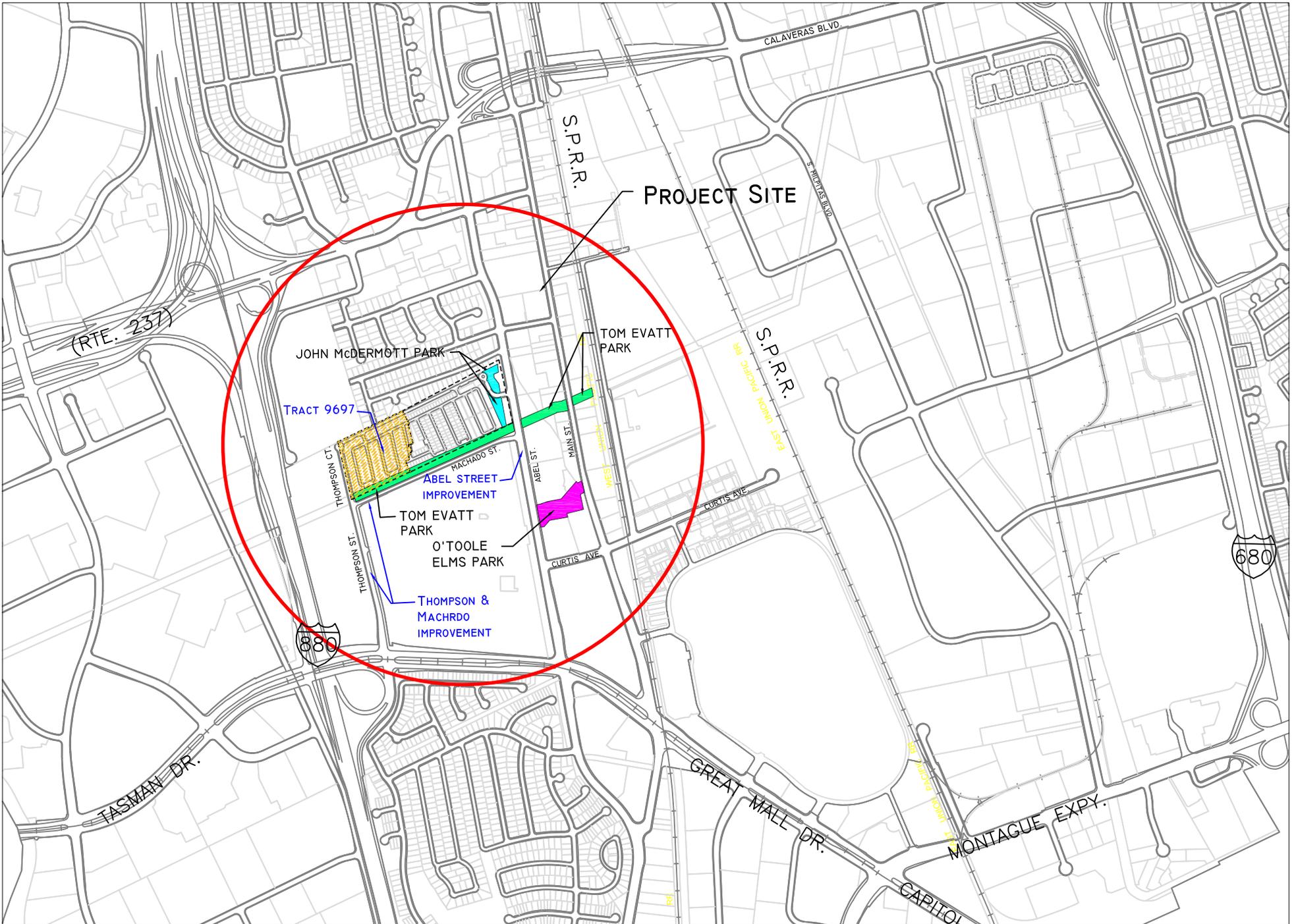
APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney



# VICINITY MAP

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