

When Recorded Mail to:

***RA7**

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: Office of the City Clerk

Record without fee under
Section 6103 – Government Code
State of California

RESOLUTION NO. ____

**A JOINT RESOLUTION OF THE REDEVELOPMENT AGENCY AND CITY COUNCIL OF
THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE OF MILPITAS PUBLIC
LIBRARY, PROJECT NO. 8162**

WHEREAS, the Milpitas Redevelopment Agency has heretofore entered into a Contract with S.J. Amoroso Construction Co., Inc., for construction of the Milpitas Public Library, Project No. 8162, and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Milpitas Redevelopment Agency does hereby accept said improvement as completed on this 3RD day of February 2009, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 3093 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day’s labor or force account. The penal sum of the faithful performance bond securing said improvement may be reduced to the sum of \$2,948,582 upon request of 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, provided that said term shall not be less than one year.

BE IT FURTHER RESOLVED that the City of Milpitas does acknowledge the acceptance of said improvement and, to the extent required by law, does hereby consent to, approve and take part in said action.

PASSED AND ADOPTED this ____ day of _____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk and Agency Secretary

Robert Livengood, Mayor and Chair

APPROVED AS TO FORM:

Michael Ogaz, City Attorney and Agency Counsel

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CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about December 19, 2006, the Milpitas Redevelopment Agency, a public entity of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of improvement, to wit:
2. A description of the site of which the City is owner: **Milpitas Public Library Project No. 8162**
3. The nature and interest or estate of the City as owner of said site is in fee: **Public Library Building**
4. The name and address of the original contractor is: **S. J. Amoroso Construction Co., Inc., 390 Bridge Parkway Redwood Shores, California 94065**
5. A general statement of the kind of work done or materials furnished to the City is as follows: **Public Library Building Construction**
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: **Chubb Surety, 15 Mountain View Road, Warren, NJ 07059, and Safeco Insurance Companies, PO Box 34526, Seattle, WA 98124-1526**
7. Said work of improvement was accepted by the Milpitas City Council as completed on February 3, 2009.

I, the undersigned, declare that I am the City Engineer of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____ at Milpitas, California.

Greg Armendariz, City Engineer / PW Director
City of Milpitas

NOTE: RECORD WITHIN 10 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY