

When Recorded Mail to:

Redevelopment Agency of the 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 RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS APPROVING
INITIAL ACCEPTANCE OF CORPORATION YARD CANOPY PROJECT NO. 8183**

WHEREAS, the Redevelopment Agency of the City of Milpitas has heretofore entered into a Contract with Balch Petroleum Contractors & Builders Inc., for the Corporation Yard Canopy Project, 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, and in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, the Board of the Redevelopment Agency hereby finds, determines, and resolves as follows:

1. The Redevelopment Agency Board has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Redevelopment Agency Board does hereby accept said improvement as completed on this 17th day of March, 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 \$44,000 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.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Robert Livengood, Chair

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel

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REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS

NOTICE OF COMPLETION

(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about **August 5, 2008**, the Redevelopment Agency of the City of Milpitas, a municipal corporation 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: **Installation of a metal canopy to cover the vehicle fueling station, chemical fill area and vehicle wash area. In addition, improvements were made to the fueling station to comply with the enhanced vapor recovery (EVR) requirement and a security system.**
2. A description of the site of which the Agency is owner for said work of improvement is City of Milpitas, Santa Clara County, California, more particularly described as: **Corporation Yard Canopy**
3. The nature and interest or estate of the Agency as owner of said site is in fee: **Redevelopment Agency/ City facility**
4. The name and address of the original contractor is: **Balch Petroleum Contractors & Builders Inc. 930 Ames Ave., Milpitas, CA 95035**
5. A general statement of the kind of work done or materials furnished to the Agency is as follows: **Canopy installation and fuel station related work.**
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: **American Contractors Indemnity Company**
7. Said work of improvement was accepted by the Redevelopment Agency of the City of Milpitas as completed on _____

 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