

When Recorded Mail to:

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

***RA7**

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

RESOLUTION NO. ____

A JOINT RESOLUTION OF THE REDEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE OF MILPITAS NORTH MAIN STREET STREETScape PHASE II, PROJECT NOS. 8165 AND 8153, FEDERAL AID PROJECT NO. RPSTPLE 5314 (004)

WHEREAS, the City of Milpitas has heretofore entered into a Contract with Joseph J. Albanese, Inc., for the North Main Street Streetscape Phase II, Project No. 8165, 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 and the City Council of the City of Milpitas hereby find, determine, and resolve as follows:

1. The Agency Board and the City Council have considered the full record before them, 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 them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Milpitas does hereby accept said improvement as completed on this 16th day of June 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 \$220,215.33 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/City Clerk

Pete McHugh, Vice Chair/Vice Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel/City Attorney

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CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about August 5, 2008, 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: **North Main Street Streetscape phase II.**
2. A description of the site of which the City is owner for said work of improvement is City of Milpitas, Santa Clara County, California, more particularly described as: **North Main Street Streetscape Phase II Project No. 8165.**
3. The nature and interest or estate of the City as owner of said site is in fee: **North Main Street.**
4. The name and address of the original contractor is: **Joseph J. Albanese, Inc, 986 Walsh Ave, Santa Clara, CA 95050.**
5. A general statement of the kind of work done or materials furnished to the City is as follows: **Construct a parking garage.**
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: **Great American Insurance Company.**
7. Said work of improvement was accepted by the Milpitas City Council as completed on **June 16, 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

North Main Street Streetscape Phase II
CIP Project 8165, Federal Aid Project No. RPSTPLE 5314 (004)

