

When Recorded Mail to:

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

***15**

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

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND OF MINOR STORM DRAIN IMPROVEMENT AT COUNTRY CLUB DRIVE, PROJECT NO. 3700

WHEREAS, the City of Milpitas has heretofore entered into a Contract with Preston Pipelines, Inc., for the subject 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 City Council hereby finds, determines, and resolves as follows:

1. The City Council 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. Milpitas does hereby accept said improvement as completed on this 18TH day of August 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 \$4,400 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, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

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CITY OF MILPITAS

NOTICE OF COMPLETION

(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about June 2, 2009, 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 at **Country Club Drive storm drain**.
2. A description of the site of which the City is owner for said work of improvement is Country Club Drive in the City of Milpitas, Santa Clara County, California, more particularly described as: **Minor storm drain improvements at Country Club Dr., Project # 3700**.
3. The nature and interest or estate of the City as owner of said site is in fee: storm drain system in roadway.
4. The name and address of the original contractor is: **Preston Pipelines, Inc., 133 Bothelo Ave, Milpitas CA 95035**.
5. A general statement of the kind of work done or materials furnished to the City is as follows: **installation of storm drain system**.
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: **Safeco Insurance Company of America**.
7. Said work of improvement was accepted by the Milpitas City Council as completed on August 18, 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

ACKNOWLEDGMENT

State of California
County of Santa Clara

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____