

When Recorded Mail to:

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

**\*RA6**

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

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

**A JOINT RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND OF STREET SLURRY SEAL FY 2009-10, PROJECT NOS. 8194 AND 4250**

**WHEREAS**, the Redevelopment Agency and the City have heretofore entered into a contract with American Asphalt Repair and Resurfacing Company, 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 Board of the Redevelopment Agency and the City Council of the City of Milpitas hereby find, determine, and resolve as follows:

1. The 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. The Milpitas Redevelopment Agency and the City of Milpitas do hereby accept said improvement as completed on this 5<sup>th</sup> day of January 2010, and do 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 do 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 \$81,220 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

\_\_\_\_\_  
Robert Livengood, Chair/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 June 16, 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 placing slurry seal on various streets within the City.
2. A description of the site of which the City is owner for said work of improvement is citywide in City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The nature and interest or estate of the City as owner of said site is in fee and/or easement.
4. The name and address of the original contractor is: American Asphalt Repair and Resurfacing Company, Inc., P.O. Box 3367, Hayward, California 94540.
5. A general statement of the kind of work done or materials furnished to the City is as follows: Slurry seal of various streets within the City.
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: The Guarantee Company of North America USA.
7. Said work of improvement was accepted by the Milpitas City Council as completed on January 5, 2010.

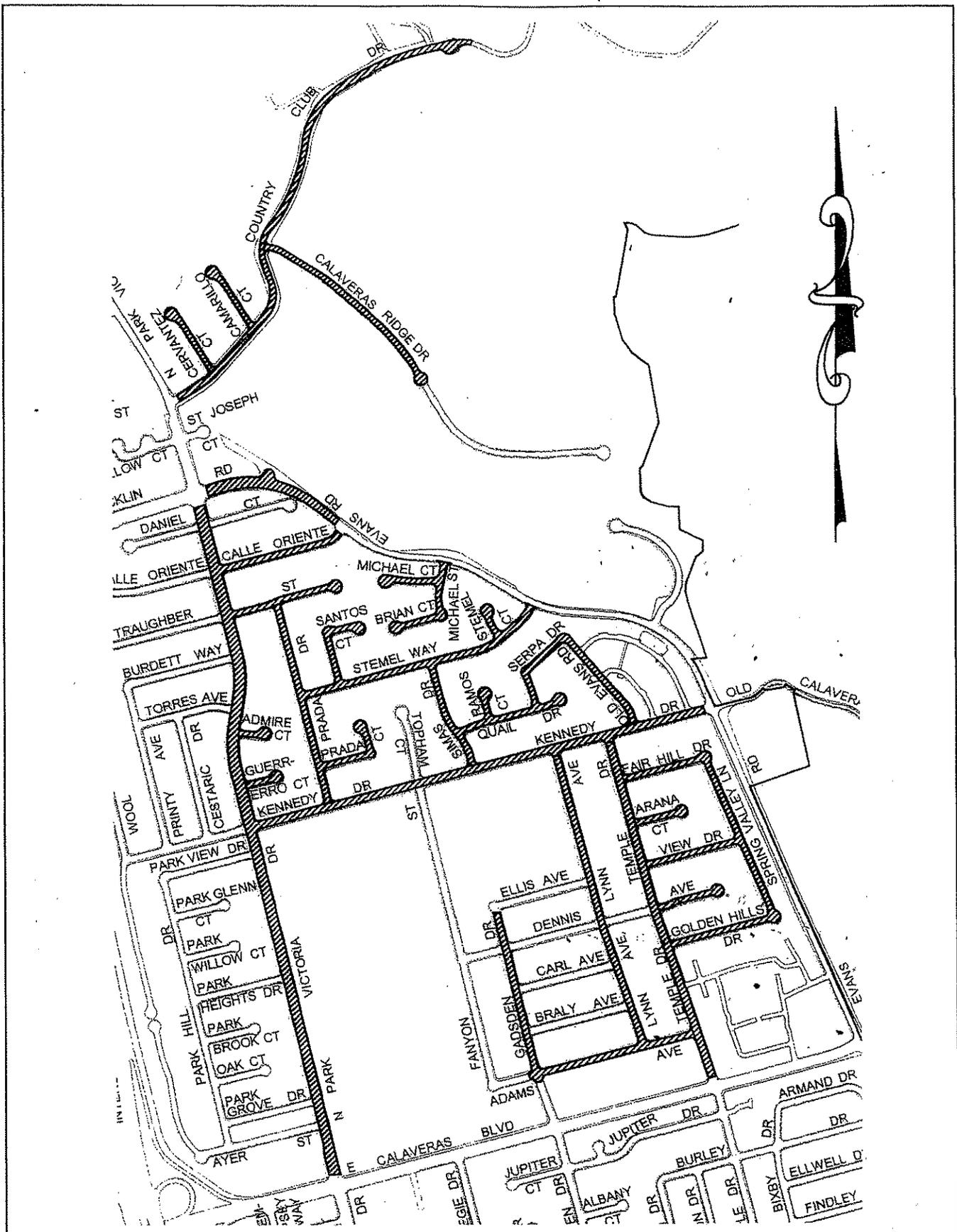
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 I, the undersigned, declare that I am the City Engineer of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty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

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Greg Armendariz, City Engineer / PW Director  
City of Milpitas

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



SLURRY SEAL PROJECT FY 2009-10  
PROJECT NOS. 8194 AND 4250



LOCATION MAP