

When Recorded Mail to:

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

**\*10**

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 ACCEPTANCE OF CARDOZA PARK PLAYGROUND LANDSCAPING, PROJECT NO. 5088, AND RELEASING PERFORMANCE BOND**

**WHEREAS**, the City of Milpitas has heretofore entered into a contract with Guerra Construction Group for the subject project and the City Engineer of the City of Milpitas has recommended acceptance of the landscape improvement component 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; and

**WHEREAS**, said contractor, as principal, and the International Fidelity Insurance Company, as surety, executed a certain faithful performance bond conditioned upon the faithful performance of the provisions of said performance contract and upon the faithful performance of all maintenance work required thereunder; and

**WHEREAS**, the contractually required landscape maintenance period has ended and the landscape has been maintained to the satisfaction of the City Engineer of the City of Milpitas; and

**WHEREAS**, said City Engineer recommends to the City Council that said faithful performance bond be released.

**NOW, THEREFORE**, the City Council of the City of Milpitas 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. Acceptance of this project is hereby approved and the certain performance bond furnished by the above-named contractor, as principal, and the above-named surety in connection with those certain improvements for the above-designated project, is hereby released and discharged; provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by the City of any obligations imposed upon the contractor or his surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

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

When Recorded Mail to:

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

CITY OF MILPITAS

NOTICE OF COMPLETION

(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about December 15, 2009, the City Council 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: **Cardoza Park Playground Renovation and Electrical Cabinet Upgrade Project No.'s 5085 & 5088 that included landscape installation and a Phase 2 90-Day Landscape Maintenance Period.**
2. A description of the site of which the City is co-owner for said work of improvement is: **Landscaping surrounding Cardoza, Hall Memorial, and Creighton Parks 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: **Project owner.**
4. The name and address of the original contractor is: **Guerra Construction Group, 345 Commercial Street, San Jose, CA 95112.**
5. A general statement of the kind of work done or materials furnished to the City is as follows: **Landscape Installation and Phase 2 90-Day Landscape Maintenance Period.**
6. The name of the sureties upon the bond of the Contractor for said work of improvement is: **International Fidelity Insurance Company, One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey 07102-5207; bond #0482374.**
7. Said work of improvement was accepted by the Milpitas City Council as completed on **November 2, 2010.**

\*\*\*\*\*

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 \_\_\_\_\_, 2010 at Milpitas, California.

\_\_\_\_\_  
 Greg Armendariz, PW Director/City Engineer  
 City of Milpitas

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