

When Recorded Mail to:

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

***13**

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 ABBOTT AVENUE RESURFACING, PROJECT NO. 4251

WHEREAS, the City of Milpitas has heretofore entered into a contract with O’Grady Paving, 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 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. The City of Milpitas does hereby accept said improvement as completed on this 15th day of March 2011, 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 \$73,042 upon request of principal and surety, with 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

Jose Esteves, 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 24, 2010, 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: **Abbott Avenue Resurfacing, Project 4251.**
2. A description of the site of which the City is co-owner for said work of improvement is: **Abbott Avenue and Marylinn Drive 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: **O'Grady Paving, Inc., 2513 Wyandotte Street, Mountain View, California 94043.**
5. A general statement of the kind of work done or materials furnished to the City is as follows: **Pavement Resurfacing of Abbott Avenue between Heath Street and Marylinn Drive and Marylinn Drive between Abbott Avenue and Main Street.**
6. The name of the sureties upon the bond of the contractor for said work of improvement is: **Traveler Casualty and Surety Company of America, 100 California Street, Suite 300, San Francisco, CA 94111; bond # 105362136.**
7. Said work of improvement was accepted by the Milpitas City Council as completed on: **March 15, 2011.**

 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, PW Director/City Engineer
City of Milpitas