

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING FINAL ACCEPTANCE OF CERTAIN PORTIONS OF KB HOME TRACTS (TERRA SERENA), PROJECT NO. 3160, AND RELEASING IMPROVEMENT BONDS

WHEREAS, certain improvements were installed by the KB Home Tracts, Project No. 3160, under and pursuant to the provisions of improvement contracts between the City of Milpitas, a municipal corporation of the State of California, and KB Home South Bay, Inc.; and

WHEREAS, said subdivider, as principal, and the Arch Insurance Company, as surety, executed certain faithful performance bonds conditioned upon the faithful performance of the provisions of said improvement contracts and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said improvements were completed, finally inspected by the City Engineer of the City of Milpitas, and accepted; and

WHEREAS, a period of one year or more has expired after the date of said acceptance of said improvements; and

WHEREAS, the City Engineer has advised the City Council that said contractor has remedied, restored, repaired, or replaced at its sole expense and to the satisfaction of said City Engineer all defects, damages, or imperfections, if any there were, due to or arising from faulty materials or workmanship and appearing within said period of one year from the date of acceptance for the portions of the Project No. 3160 listed in this Resolution; and

WHEREAS, said City Engineer recommends to the City Council that the following faithful performance bonds be released.

Bond #	Plan #	Work Description
SU5017238	2-1035	Thompson St/Ct & Machado Ave
SU5017239	2-1048	Tract 9698
SU5017240	2-1034	Alvarez Court
SU5017241	2-1051	Hetch Hetchy Park
SU5017242	2-1050	Elm Park
SU5017243	2-1033	Sewer trunk relocation
SU5017244	Tract Maps Monuments	Survey Monumentation

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. Those portions of the project listed in this Resolution are finally accepted. The performance bonds furnished by the above-named contractor, as principal, and the above-named surety in connection with those certain improvements for the portions of the project listed above, are hereby released and discharged; provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations

imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contracts, 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

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney