

Recording Requested by and
When Recorded Mail to:

***10**

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL
ACCEPTANCE AND REDUCING PERFORMANCE BOND OF WRIGLEY FORD CREEK MAINTENANCE
PROJECT NO. 9002**

WHEREAS, the Milpitas Economic Development Corporation has heretofore entered into a contract with Preston Pipelines, Inc., for the subject project and in furtherance of duly authorized Corporation purposes, 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 19th day of February, 2013, 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 \$30,343 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 _____ 2013, 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

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CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about January 19, 2012, the Milpitas Economic Development Corporation, a nonprofit corporation of the State of California, entered into a contract for work of: **Wrigley Ford Creeks Maintenance Project 9002**, with the intent of having it accepted by the City of Milpitas upon completion.
2. A description of the site of which the City of Milpitas is owner for said work of improvement is: **Wrigley Ford Creek** in the 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: **City of Milpitas**.
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: **Sediment and vegetation removal and restoration planting along the creek channel**.
6. The name of the sureties upon the bond of the contractor for said work of improvement is: **Safeco Insurance Company of America, 1340 Treat Blvd., Walnut Creek, CA 94597; bond # 070013357**.
7. Said work of improvement was accepted by the Milpitas City Council as completed on February 19, 2013.

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 _____, 2013, at Milpitas, California.

Kathleen Phalen, Acting PW Director/City Engineer
City of Milpitas

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