

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND FOR 76 GAS STATION PROJECT LOCATED AT 190 WEST CALAVERAS BOULEVARD, PROJECT NO. 2555

WHEREAS, the City Council approved an improvement agreement on August 7, 2012, between the City of Milpitas, a municipal corporation of the State of California, and GAWFCO Enterprises, Inc., a California Corporation (“Developer”) for redevelopment of 76 Gas Station located at 190 W. Calaveras Boulevard, Project No. 2555; and

WHEREAS, Developer, as Principal, and Bank of Guam, as Surety, executed certain Letters of Credit Nos. 01-SB-0810(SF) and 01-SB-0811(SF) conditioned upon the faithful performance of the provisions of the improvement agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, the City Engineer of the City of Milpitas has recommended initial acceptance of the improvements as completed in accordance with the approved plans and specifications, and in accordance with the inspection of the 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 the public improvements installed as part of the redevelopment of the 76 Gas Station located at 190 W. Calaveras Boulevard, Project No. 2555, as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer of the City of Milpitas. The penal sum of the faithful performance letters of credit securing the improvements may be reduced to the sum of \$12,500, upon request of Principal and Surety, with the penal sum as reduced to apply from the date of completion and acceptance of the improvements and to extend for the balance of the term of the bond, provided that the term shall not be less than one year. Nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the Developer or its surety or sureties, by law or by the above-referenced subdivision improvement agreement, save and except as expressly set forth herein.

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