

Recording Requested by and  
When Recorded Mail to:

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

Record without fee under  
Section 6103 - Government Code  
State of California

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING INITIAL ACCEPTANCE AND REDUCING THE PERFORMANCE BOND OF THE MILPITAS SPORTS CENTER LOCKER ROOM RENOVATION, PROJECT NO. 3408, AND GRANTING AUTHORIZATION TO THE CITY ENGINEER TO FILE THE NOTICE OF FINAL ACCEPTANCE AFTER THE ONE YEAR WARRANTY PERIOD AND TO RELEASE AND DISCHARGE THE PERFORMANCE BOND**

**WHEREAS**, the City of Milpitas has heretofore entered into a contract with S & H Construction, 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 3rd day of March, 2015, 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 Sections 8182 and 9200-9208 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 Ninety Thousand Dollars (\$90,000), upon request of the principal and surety, with said penal sum as reduced to apply to the balance of said bond, provided said term shall not be less than one year.
3. The City Council authorizes the City Engineer to file the Notice of Final Acceptance after the one year warranty period and to release and discharge the faithful performance bond securing said improvements without further City Council action, provided all required warranty repairs are completed to the satisfaction of the City Engineer; and nothing herein contained shall in any way deemed to be a waiver, release or relinquishment by City of any obligations imposed upon contractor or its 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 \_\_\_\_\_, 2015, 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 Sections 8182 and 9200-9208)

NOTICE IS HEREBY GIVEN:

1. On or about March 4, 2014 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: Milpitas Sports Center Locker Room Renovation.
2. A description of the site of which the City is owner for said work of improvement is: 1325 East Calaveras Boulevard 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: S & H Construction, Inc. 5560 Boscell Common Fremont, CA 94538.
5. A general statement of the kind of work done or materials furnished to the City is as follows: Locker Room Renovation.
6. The name of the sureties upon the bond of the contractor for said work of improvement is: Allegheny Casualty Company, One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey; bond # 0630376.
7. Said work of improvement was accepted by the Milpitas City Council as completed on March 3, 2015.

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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 \_\_\_\_\_, 2015 at Milpitas, California.

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Steven Machida, City Engineer  
City of Milpitas

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NOTE: RECORD WITHIN 15 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY