Recording Requested by and
When Recorded Mail to:

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 FOR PINEWOOD PARK IMPROVEMENTS, PROJECTS NO. 3412, NO. 5095, NO. 5096, AND NO. 7116, AND GRANTING AUTHORIZATION TO THE DIRECTOR OF ENGINEERING TO ISSUE 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 Suarez and Munoz Construction, Inc., for the subject project, and the Director of Engineering 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 Director of Engineering.

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 7th day of April, 2015, and does hereby authorize and direct the Director of Engineering 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 Director of Engineering 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 $181,797.45 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.

3. The City Council authorizes the Director of Engineering to issue 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 Director of

Engineering; and nothing herein contained shall in any way 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 to 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:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

Recording Requested by and
When Recorded Mail to:

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

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

CITY OF MILPITAS

NOTICE OF COMPLETION
(Civil Code Sections 8182 and 9200-9208)

NOTICE IS HEREBY GIVEN:

1. On or about March 18, 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: Pinewood Park Improvement, Projects No. 3412, 5095, 5096, & 7116.

2. A description of the site of which the City is owner for said work of improvement is: Pinewood Park 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: Suarez and Munoz Construction, Inc., 20975 Cabot Boulevard Hayward, CA 94545.

5. A general statement of the kind of work done or materials furnished to the City is as follows: Various improvements at Pinewood Park, Hall Memorial Park, and Robert E. Browne Park including new site furnishings, landscape, irrigation, and lighting upgrades.

6. The name of the sureties upon the bond of the contractor for said work of improvement is: Developers Surety and Indemnity Company 2999 Oak Road, Suite 420, Walnut Creek, CA 94597; bond # 724971P.

7. Said work of improvement was accepted by the Milpitas City Council as completed on April 7, 2015.

****

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.

_____
Steve Machida, Director of Engineering/City Engineer, City of Milpitas

---

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