

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 OF AND REDUCING PERFORMANCE BOND FOR MAIN STREET PAVEMENT RECONSTRUCTION, PROJECTS NO. 3412 & 4277, AND GRANTING AUTHORIZATION TO THE DIRECTOR OF ENGINEERING/CITY ENGINEER 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 Ghilotti Construction Company, Inc., for the subject projects, and the Director of Engineering/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 Director of Engineering/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 January, 2016, and does hereby authorize and direct the Director of Engineering/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 Director of Engineering/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 \$304,639 upon request of principal and surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvement 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/City Engineer 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/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 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 _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, 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 April 7, 2015, 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: Main Street Pavement Reconstruction, Projects No. 3412 & 4277.
2. A description of the site of which the City is owner for said work of improvement is: Pavement reconstruction and asphalt overlay of portions of South Main Street from Carlo Street to Great Mall Parkway, including Serra Way, Corning Avenue, East & West Curtis Avenue in the City of Milpitas, Santa Clara County, California, as 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: Ghilotti Construction Company Inc., 246 Ghilotti Avenue, Santa Rosa, CA 95407.
5. A general statement of the kind of work done or materials furnished to the City is as follows: Pavement reconstruction and asphalt overlay.
6. The name of the sureties upon the bond of the contractor for said work of improvement is: Liberty Mutual Insurance Company, bond # 070020092.
7. Said work of improvement was accepted by the Milpitas City Council as completed on January 19, 2016.

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 January 19, 2016, 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