

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 GRANTING FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASING ALL BONDS FOR OFFSITE SEWER 11A AND A PORTION OF 11B IMPROVEMENTS, PROJECT NO. 2709, TRACTS 10137, 10159

WHEREAS, Public Improvement Plan 2-1153 (Public Improvements) was approved by the City Council of the City of Milpitas (City Council) on June 19, 2012, for Tract Nos. 10137 and 10159, more commonly known as the Harmony Subdivision project (Offsite Sewer 11A and a portion of 11B), Project No. 2709, under and pursuant to the provisions of a fee credit agreement (FCA) and a Subdivision Improvement Agreement (SIA) between the City of Milpitas, a municipal corporation of the State of California, and D.R. Horton Bay, Inc., a Delaware corporation (Subdivider); and

WHEREAS, D.R. Horton Bay, Inc., a Delaware corporation, as Principal, and Liberty Mutual Insurance Company, as Surety, executed and posted a certain Faithful Performance Bond No. 01605091B conditioned upon the faithful performance of the provisions of the FCA and SIA and upon the faithful performance of all Public Improvements work required thereunder; and

WHEREAS, the Public Improvements for the Offsite Sewer 11A and portion of 11B project have been completed; and

WHEREAS, the FCA and SIA provide that the security shall extend for a period of one year after the date of acceptance of Public Improvements to cover the warranty period of said improvements under the FCA; and

WHEREAS, The one-year warranty period has been completed and the City Engineer of the City of Milpitas has made a final inspection of the Public Improvements for the Offsite Sewer 11A and portion of 11B project and recommends that the City Council accept the Public Improvements as constructed in accordance with the approved plans and specifications.

NOW, THEREFORE, the City Council 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. Those certain Public Improvements installed with Tract Nos. 10137, 10159, the Harmony Subdivision project (Offsite Sewer 11A and a portion of 11B), Project No. 2709, are hereby

accepted as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer.

3. All Security furnished by the above named Subdivider will be returned as the project is completed and accepted by the City.

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