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

8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING INITIAL ACCEPTANCE OF MANOR PUMP STATION IMPROVEMENTS
PROJECT NO 3385 &3396

WHEREAS, the City of Milpitas has heretofore entered into a Contract with D. W. Nicholson Corporation, for the Manor Pump Station Improvements 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, BE IT RESOLVED that the City Council of the City of Milpitas does hereby accept said improvement as completed on this 16th day of March , 2004, 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 Section 3093 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 the sum of $ 26,064.20.upon request of principal and surety, 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.

PASSED AND ADOPTED this 16th day of March , 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

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CITY OF MILPITAS

NOTICE OF COMPLETION

(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN:

1. On or about April 15th, 2003, 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 improvement, to wit: Manor Pump Station Improvements

2. A description of the site of which the City is owner for said work of improvement is City of Milpitas, Santa Clara County, California, more particularly described as Manor Pump Station Improvements, Project Number 3385 & 3396

3. The nature and interest or estate of the City as owner of said site is in fee: Manor Pump Station

4. The name and address of the original contractor is: D. W. Nicholson Corporation, 24747 Clawiter Road, Hayward, CA 94545

5. A general statement of the kind of work done or materials furnished to the City is as follows: Install new diesel generator and Automatic Transfer Switch, Pump Controls and other improvements

6. The name of the sureties upon the bond of the Contractor for said work of improvement is: Western Surety Company

7. Said work of improvement was accepted by the Milpitas City Council as completed on March 16, 2004

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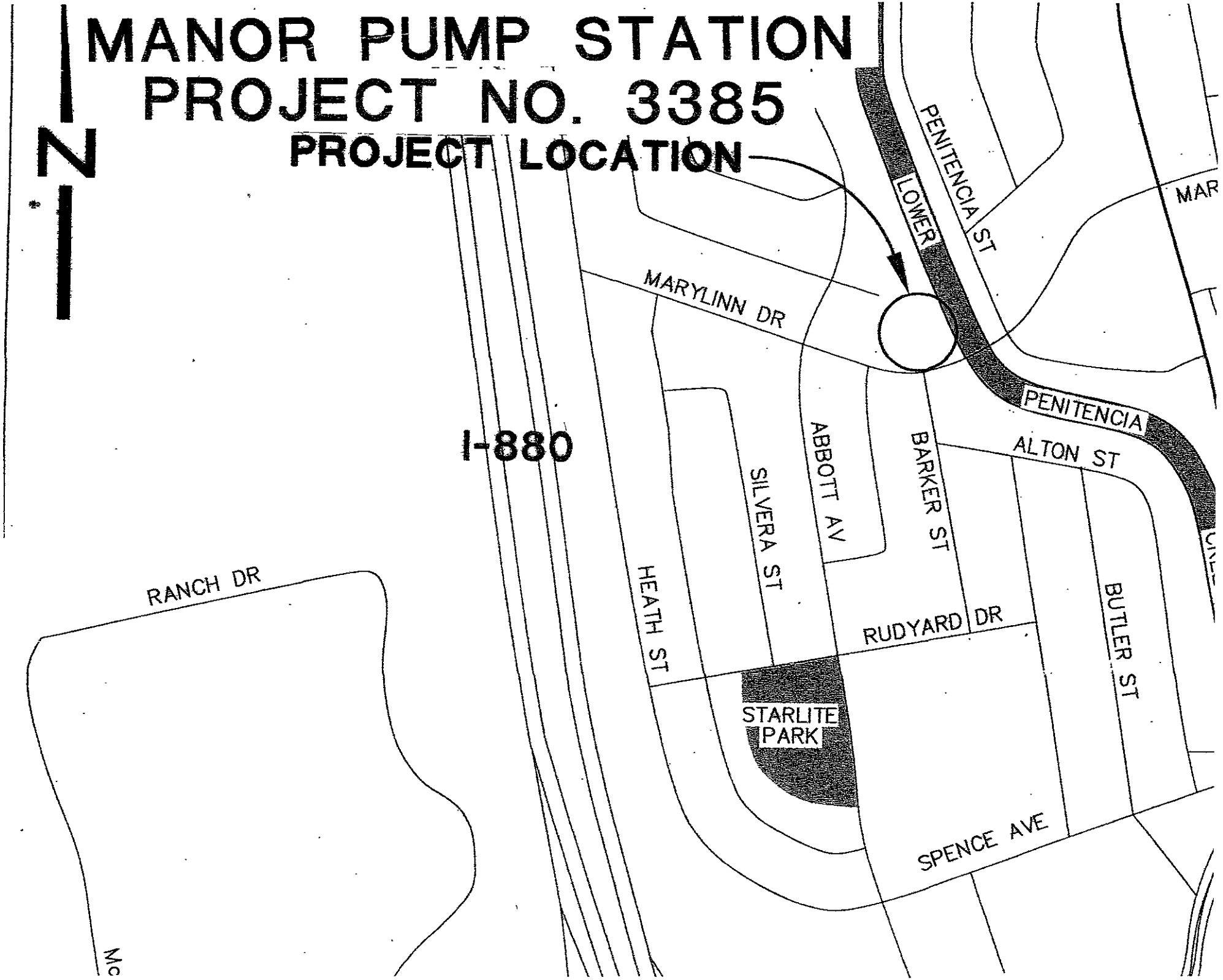
I, the undersigned, declare that I am the City Engineer of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on _____ at Milpitas, California.

_____
David M. McNeely, City Engineer
City of Milpitas

NOTE: RECORD WITHIN 10 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY

MANOR PUMP STATION
PROJECT NO. 3385