

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

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT ACCEPTING THE WORK BY EPS, INC. DBA EXPRESS PLUMBING FOR WATER SYSTEM IMPROVEMENT AND VALVE REPLACEMENT PROJECT (CIP 405-636) AND DIRECTING THE DISTRICT SECRETARY TO FILE THE NOTICE OF COMPLETION

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, the District Engineer has filed with the District Secretary the Notice of Completion for the work known as the Water System Improvement and Valve Replacement Project (CIP 405-636) located in the City of Foster City, situated in San Mateo County, California performed pursuant to the contract documents and agreement between the Estero Municipal Improvement District and EPS Inc. dated December 16, 2019 (the "Work"); and

WHEREAS, the Public Works Director/District Engineer and EPS, Inc. have executed Document 00 6530 – Agreement and Release of Any and All Claims, as required by the agreement; and

WHEREAS, EPS, Inc. has executed Document 00 6536 – Guaranty, as required by the agreement; and

WHEREAS, it appears to the satisfaction of the District Board that said Work has been completed in an acceptable manner; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Estero Municipal Improvement District does hereby authorize:

1. The acceptance of the Work subject to reservation of all District's rights arising from any defective workmanship and/or materials not observed during construction being hereafter discovered and becoming known to District; and
2. The District Secretary to notarize and file for record with the County Recorder of the County of San Mateo after execution of Document 00 6530 – Agreement and Release of Any and All Claims, the Notice of Completion thereof, as required by law, and file a conformed, recorded copy of said notice with the Finance Director and District Engineer; and
3. The District Secretary to notify EPS, Inc. that the Faithful Performance Bond No. 18L004345 from The Guarantee Company of Ohio Casualty

Insurance Company may be released one year following the recordation of the Notice of Completion; and

4. The District Secretary to release the Labor and Materials Bond No. 18L004345 from The Guarantee Company of Ohio Casualty Insurance Company, thirty-five (35) days after the date of recording of the Notice of Completion if no claims or Stop Notices have been received; and

PASSED AND ADOPTED as a resolution of the Board of Directors of the Estero Municipal Improvement District at the regular meeting held on the 15<sup>th</sup> day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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JON FROOMIN, PRESIDENT

ATTEST:

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PRISCILLA SCHAUS, DISTRICT SECRETARY