

APPROVED

APR 05 2006

BOARD OF RECREATION
and PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 06-80

DATE April 5, 2006

C.D. 7

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HANSEN DAM – THE BLUFFS (#1130A) (W.O. #E170936F) – RELEASE OF MONEY WITHHELD UNDER CONTRACT NO. 3129 TO A.M. CLASSIC CONSTRUCTION, INC.

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|------------------|-----------------|
| J. Combs _____ | J. Kolb _____ |
| H. Fujita _____ | F. Mok _____ |
| S. Huntley _____ | K. Regan _____ |
| B. Jensen _____ | *M. Shull _____ |

See file

Robert H. Jensen (fa)
General Manager

Approved /

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board release to A.M. Classic Construction, Inc., funds in the amount of \$22,500 previously withheld to satisfy a Stop Notice claim.

SUMMARY:

At its meeting held on June 1, 2005, the Board of Recreation and Park Commissioners accepted a Stop Notice filed by Vista Verde Nursery in the amount of \$18,000. That amount plus an additional sum equal to 25 percent thereof, was withheld under Department Contract No. 3129 for the Hansen Dam - The Bluffs (#1130A) (W.O. #E170936F). The additional sum was withheld to defray any costs of litigation per California Civil Code No. 3186.

On July 13, 2005, the Board accepted the work on the project as complete and A.M. Classic Construction, Inc. was furnished with a letter of completion. Vista Verde Nursery was required to perfect their stop notice claim within 180 days of the Board's acceptance of the project and were notified in writing on February 2, 2006 to respond within 15 days whether their stop notice had been perfected. Vista Verde Nursery has not responded; the 180-day period has expired and Civil Code Section 3210 requires that the funds withheld be paid to the contractor.

Therefore, it is now in order to release the subject funds to A.M. Classic Construction, Inc. This releases the last of the monies to be paid on this project.

Prepared by Sonia Bond, Commission Executive Assistant I, Commission Office