

APPROVED
08-10-2016

BOARD OF RECREATION
PARK COMMISSIONERS

BOARD REPORT

NO. 16-180

DATE August 10, 2016

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MACARTHUR PARK – PARK REHABILITATION AND LIGHTING (PRJ20879) –
ACCEPTANCE OF STOP PAYMENT NOTICE AND RELEASE OF STOP
PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3466

AP Diaz	_____	V. Israel	_____
<i>for</i> R. Barajas	<u>CSP</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____



General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

1. Direct staff to withhold the amounts claimed in the following Stop Payment Notice, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify contractors, sureties, and other interested parties that the amount of said claims plus 25% will be withheld; and
2. Accept the Release of Stop Payment Notice.

STOP PAYMENT NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Section 3103 on the following contract:

Contract 3466 CD 1

MacArthur Park – Park Rehabilitation and Lighting
(PRJ20879) Project
Construction Status: Construction
Project Impact: none

General Childs Play
Contractor:
Claimant: Mike's Portable Welding
Amount: \$2,400.00

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RELEASE OF STOP PAYMENT NOTICE:

The Department is in receipt of Release of Stop Payment Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractors or the sureties:

Contract 3466 CD 1

MacArthur Park – Park Rehabilitation and Lighting (PRJ20879) Project	General Contractor:	Childs Play
Construction Status: Construction	Claimant:	Mike's Portable Welding
Project Impact: none	Amount:	\$2,400.00

FISCAL IMPACT STATEMENT:

Acceptance of Stop Payment Notices has no impact on the Department's General Fund.

This Report was prepared by Iris Davis, Commission Executive Assistant I.

LIST OF ATTACHMENTS

- 1) Stop Payment Notice filed by Mike's Portable Welding
- 2) Release of Stop Payment Notice filed by Mike's Portable Welding

STOP NOTICE

LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS

(Public or Private Work) - (Per California Civil Code Section 3103)

To: City of LA Parks
(Name of owner, public body or construction fund holder)

Project: McArthur Park
(Name)

& recreations
(Address, if directed to a bank or savings and loan assn., use address of branch holding fund)

680 S park view st
(Address)

Board office 221 N figueroa
(City, State and Zip)

LA CA 90057
(City, State and Zip)

Suite 300 LA 90012

TAKE NOTICE THAT MIKE GLASSER (MIKES Portable Welding)
(Name of the person or firm claiming the stop notice. Licensed contractors MUST use the name under which contractor's license is issued)

whose address is 21311 LOPEZ ST WOODLAND HILLS CA 91364
(Address of person or firm claiming stop notice)

has performed labor and furnished materials for a work of improvement described as follows: certified on site welding at McArthur Park
(Name and location of the project where work or materials were furnished)

The labor and materials furnished by claimant are of the following general kind: portable welding on site services
(General description of labor, services, equipment or materials agreed to be furnished)

The labor and materials furnished to or for the following party: CHRIS CHILDS CHILDS PLAY
(Name of party who ordered the work or materials)

Total value of the whole amount of labor and materials agreed to be furnished is: \$ 6000.00

The value of the labor and materials furnished to date is: \$ 6000.00

Claimant has been paid the sum of: 5 days of field welding at \$1200 \$ 3600.00

And there is due, owing and unpaid the sum of: per day ALL completed \$ 2400.00

You are required to set aside sufficient funds to satisfy this claim with interest, court costs and reasonable costs of litigation, as provided by law. You are also notified that claimant claims an equitable lien against any construction funds for this project which are in your hands.

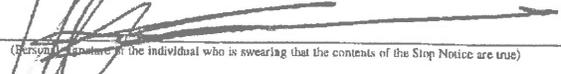
Firm Name MIKES Portable Welding By MIKE GLASSER - owner
(Name of stop notice claimant) (Owner or agent of stop notice claimant MUST sign here and verify below)

VERIFICATION

I, the undersigned, say: I am the pres. the claimant named in the foregoing Stop Notice; I have read said Stop Notice and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 4.1.16, at WOODLAND HILLS, California
(Date this document was signed) (Name of city where stop notice signed)


(Personnel signature of the individual who is swearing that the contents of the Stop Notice are true)

REQUEST FOR NOTICE OF ELECTION

(Private Works Only) - (Per California Civil Code Section 3159, 3161 or 3162)

If an election is made not to withhold funds pursuant to this stop notice by reason of a payment bond having been recorded in accordance with Sections 3235 or 3162, please send notice of such election and a copy of the bond within 30 days of such election in the enclosed preaddressed stamped envelope. This information must be provided by you under Civil Code Sections 3159, 3161 or 3162.

Signed _____
(Claimant MUST enclose self-addressed stamped envelope)

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Release of Stop Payment Notice

To: City of L.A. parks and recreations.

You are hereby notified that the undersigned claimant releases that certain Stop Payment Notice

dated 4/1/16 in the amount of \$ 2,400

against Chris Kelley inc dba Childs play.

as owner or public body and _____

as direct contractor in connection with the work of improvement known as

MacArthur park - 7th / Alvarado entry.

In the city of Los Angeles, County of L.A, State of California.

Date: 6/14/16 Name of Claimant: Mikes portable Welding.

By: Mike Sison

~~_____~~

VERIFICATION

I, the undersigned, state: I am the owner of the claimant named in the foregoing Release; I have read said Release of Stop Payment Notice and know the contents thereof, and I certify that the same is true of my own knowledge.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 06/14/16 at Woodland Hills

State of CA

~~_____~~
Mike Sison