



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 4

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Completed Work of SummerHill Prospect Avenue, LLC, for Improvements in the Public Right-of-Way for 100 Prospect Avenue and Authorize Recording by the Town Clerk

RECOMMENDATION:

Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion (Attachment 1) accepting the completed work of SummerHill Prospect Avenue, LLC, for improvements in the public right-of-way for 100 Prospect Avenue and authorize recording by the Town Clerk.

BACKGROUND:

On March 24, 2014, the Town Council certified the Environmental Impact Report, adopted the Mitigation Monitoring and Reporting Plan, and adopted a Resolution to approve Subdivision Application M-13-003, subdividing the 10.3-acre property into 17 lots. The adopted ordinance also allowed for the construction of the improvements as outlined in the Planned Development.

On January 20, 2015, the Town Council approved the Final Map for Tract No. 10275 – 100 Prospect Avenue, accepting the dedications and authorized the Town Manager to execute the Subdivision Improvement Agreement for the construction of public improvements.

Subsequent to approval of said Map, in March 2015, SummerHill Prospect Avenue, LLC, entered into a Subdivision Improvement Agreement with the Town, provided the three required bonds (Faithful Performance Bond, Labor and Materials Bond, and Monumentation Bond) to guarantee the construction of all improvements, and paid the appropriate fees to fully comply with the previously imposed development conditions and Town ordinances.

PREPARED BY: Lisa Petersen
Assistant Director of Parks and Public Works/Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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BACKGROUND (continued):

The following public improvements were required to be completed by SummerHill Prospect Avenue, LLC:

1. Provide a full-street right-of-way width of 40 feet for the court at 100 Prospect Avenue (now referred to as Sisters Court);
2. Create a new cul-de-sac terminus at the end of Prospect Avenue;
3. Provide a curvilinear right-of-way on Prospect Avenue.

DISCUSSION:

SummerHill Prospect Avenue, LLC has satisfactorily completed all of the work for the project and staff recommends project acceptance. Five percent of the faithful performance bond will remain in effect for a period of one year as guarantee for any needed repair or replacement caused by defective materials and workmanship. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

CONCLUSION:

Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion accepting the completed work of SummerHill Prospect Avenue, LLC, for improvements in the public right-of-way for 100 Prospect Avenue and authorize recording by the Town Clerk.

FISCAL IMPACT:

There is no fiscal impact associated with accepting these public improvements. Once accepted, these improvements become part of the Town's infrastructure which must be maintained.

ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Report (EIR) was previously prepared for the project as required by the California Environmental Quality Act (CEQA). The Environmental Impact Report was certified and the Mitigation Monitoring and Reporting Program adopted by Town Council on March 24, 2014.

Attachment:

1. Certificate of Acceptance and Notice of Completion

PAGE 3 OF 3

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DATE: March 20, 2020

Distribution:

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