



MEETING DATE: 6/4/07

ITEM NO: 7

COUNCIL AGENDA REPORT

DATE: MAY 23, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, likely belonging to Debra J. Figone, the Town Manager.

SUBJECT: TRACT NO. 9505 – SHANNON VALLEY RANCH (17101 HICKS ROAD)
ADOPT RESOLUTION ACCEPTING WORK OF GREENBRIAR HOMES
COMMUNITIES, AND AUTHORIZING THE TOWN MANAGER TO
EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF
COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt resolution (Attachment 1) accepting work of Greenbriar Homes Communities, and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.

BACKGROUND:

The developer, Greenbriar Homes Communities, submitted an application in 1999 to subdivide an approximately 78 acre parcel into 14 lots and to demolish four single family homes and a barn. The Planned Development Ordinance 2097 was approved by the Town Council on January 23, 2002. The Planning Commission approved the tentative map (M-02-0018) on January 22, 2003, and the Town Council approved the final map (Resolution 2004-100) on August 2, 2004. Grading and encroachment permits were issued on September 3, 2004 (EN04-145).

DISCUSSION:

Public improvements, to be accepted as complete, include the spot widening of Hicks Road, construction of two new public streets-Shannon Oaks Lane and Mountain Laurel Lane-together with the associated utilities needed to serve the project, asphalt trail parallel to Hicks Road, compacted earth trail through the project that connects to Santa Rosa Drive and the Shannon Road trail system parking lot for horse trailers at the trail head on Shannon Road, and the extension of natural gas, water, and sanitary sewer to the site.

PREPARED BY: KEVIN ROHANI

Interim Director of Parks and Public Works

A handwritten signature in black ink, likely belonging to Kevin Rohani, the Interim Director of Parks and Public Works.

Reviewed by: PS Assistant Town Manager ____ Town Attorney ____ Clerk Administrator
SC Finance ____ Community Development

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: TRACT NO. 9505 – SHANNON VALLEY RANCH (17101 HICKS ROAD)

MAY 23, 2007

CONCLUSION:

This project is now ready for full approval and acceptance by the Town.

ENVIRONMENTAL ASSESSMENT:

This activity is a project as defined under the California Environmental Quality Act (CEQA), but is ministerial, therefore no further action is required under CEQA.

FISCAL IMPACT:

There is no direct known fiscal impact associated with accepting these previously required public improvements. However, once accepted, these improvements become part of the Town's infrastructure which must be maintained. The future costs are not known at this time. However, the trail improvements will be maintained by the project's home owners association. New development in the subdivision will yield new property tax revenues to the Town in future years. At this time, the Town receives approximately 9.6% of every dollar of local property tax paid to the County Assessor's Office.

Attachments:

Resolution accepting work of Greenbriar Homes Communities (with Exhibit A - Certificate of Acceptance and Notice of Completion)

Distribution:

Greenbriar Homes Communities, Tim Stanley, V.P., 43160 Osgood Road, Fremont, CA 94539

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ACCEPTING WORK OF GREENBRIAR HOMES COMMUNITIES AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

WHEREAS, the Parks and Public Works Department of the Town of Los Gatos issued Encroachment Permit EN04-145 on September 3, 2004 pursuant to the January 22, 2003 Planning Commission approval of Subdivision Application M-02-0018, and the August 2, 2004 Town Council approval of Tract No. 9505 – Shannon Valley Ranch (17101 Hicks Road), Resolution 2004-100;

WHEREAS, Greenbriar Homes Communities has satisfactorily completed the public improvements generally consisting of the spot widening of Hicks Road, the construction of Shannon Oaks Lane and Mountain Laurel Lane, asphalt trail parallel to Hicks Road, compacted earth trail through the project, and construction of utilities needed to serve the project. The development is now ready for final approval and acceptance by the Town of Los Gatos;

WHEREAS, the work performed under Permit EN04-145 is hereby accepted as complete pursuant to the plans and specifications approved for the project;

NOW THEREFORE BE IT RESOLVED, that the Town Manager is authorized and directed to execute the Certificate of Acceptance and Notice of Completion attached hereto as Exhibit A;

BE IT FURTHER RESOLVED, the Clerk Administrator is directed to transmit this Certificate of Acceptance and Notice of Completion to the Recorder of Santa Clara County for recording.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of May 2007 by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Recording Requested By:
Town of Los Gatos
When Recorded Mail To:
Clerk Administrator
Town of Los Gatos
P.O. Box 949
Los Gatos, CA 95031

*Record without fee pursuant to
Government Code Section 6103*

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

Tract No. 9505 - 17101 Hicks Road

TO WHOM IT MAY CONCERN:

We do hereby certify that Greenbriar Homes Communities, 43160 Osgood Road, Fremont, CA 94539, property owner and developer, completed the work generally consisting of the construction of two new public streets-Shannon Oaks Lane and Mountain Laurel Lane, spot widening of Hicks Road, construction of public trails, and construction of utilities needed to serve the project.

The work was completed on May 11, 2007, and is commonly known as **Tract No. 9505 – Shannon Valley Ranch (17101 Hicks Road)**

The Surety on the bond accompanying the contract/agreement is: **Developers Surety and Indemnity**

Bond Number: **869185S**

Bond Dated: **7/26/04**

TOWN OF LOS GATOS

By: _____
Interim Director of Parks and Public Works

By: _____
Town Manager

ACKNOWLEDGEMENT REQUIRED

EXHIBIT A

AFFIDAVIT

I, **DEBRA J. FIGONE**, the Manager of Town of Los Gatos, has read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and knows the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2007 at Los Gatos, California.

Debra J. Figone Town Manager

RECOMMENDED BY:

Kevin Rohani, Interim Director
Parks and Public Works Department

Date: _____

APPROVED AS TO FORM:

Orry Korb
Town Attorney

Date: _____

JURAT REQUIRED