



MEETING DATE: 6/2/08

ITEM NO: 9

## COUNCIL AGENDA REPORT

DATE: May 21, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: TRACT NO. 9969 – THE HIGHLANDS OF LOS GATOS  
ADOPT RESOLUTION APPROVING FINAL MAP FOR TRACT NO. 9969 –  
THE HIGHLANDS OF LOS GATOS, ACCEPTING THE DEDICATIONS,  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE  
CONTRACT FOR PUBLIC IMPROVEMENTS.

### RECOMMENDATION:

Adopt resolution approving the Final Map for Tract No. 9969 – The Highlands of Los Gatos, accepting the dedications, and authorizing the Town Manager to execute the contract for public improvements.

### BACKGROUND:

The Town Council approved Planned Development Application PD-04-3 on December 19, 2005 allowing 19 new single family lots, over 42 acres of public open space, and new public trails. The Town Development Review Committee approved tentative map Application M-06-5 on July 11, 2006.

### DISCUSSION:

Tract No. 9969 subdivides three existing parcels totaling 66 acres into 19 single family lots, creates approximately three quarters of a mile of new public street, private streets, public trails, and open space parcels and easements. The developer, The Highlands of Los Gatos, LLC, has provided all necessary maps and drawings, contracts, bonds, and liability insurance. The developer has paid the appropriate fees to fully comply with the previously imposed development conditions and Town ordinances.

PREPARED BY: KEVIN ROHANI  
Interim Director of Parks and Public Works

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Reviewed by: JS Assistant Town Manager AK Town Attorney  
\_\_\_\_ Clerk Administrator SC Finance \_\_\_\_ Community Development

June 2, 2008

The developer has constructed the infrastructure improvements required to serve the project. These improvements include curb, gutter, paved roadways, water, sanitary sewer, storm sewer, power, phone, gas, retaining walls, and site grading and geotechnical mitigation work. Bond amounts have been reduced to ninety percent of the construction amount to reflect the ten percent retention required by a standard Town contract.

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:

The developer, The Highlands of Los Gatos, LLC, has paid the following map related fees:

1. Tract Map Checking Fee.....\$ 12,740.00
2. NPDES Compliance Fee..... 9,120.00
3. Microfilming fee ..... 25.00

Additional non-map related fees paid include:

1. Engineering Plan Check fee.....\$15,929.60
2. Engineering Inspection fee ..... 20,362.00
3. Road Impact Fee ..... 2,590.00
4. NPDES Inspection Fee ..... 50.00
5. Microfilming Fee ..... 50.00
6. Computer Service Fee..... 1,451.66

Additionally, a traffic impact mitigation fee will be due for each new house. The Traffic Impact Mitigation fee is currently \$5,742 per single family dwelling. These fees are due at the time of occupancy per State statutes.

Attachments:

Resolution Approving Final Map for Tract No. 9969 – The Highlands of Los Gatos

Distribution

The Highlands of Los Gatos, LLC 3001 Winchester Boulevard - #8, Campbell, CA, 95008

## **RESOLUTION**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING FINAL MAP OF TRACT NO. 9969 – THE HIGHLANDS OF LOS GATOS ACCEPTING THE DEDICATIONS AND AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT**

**WHEREAS**, on December 19, 2005 the Los Gatos Town Council approved Planned Development application PD-04-3 and on July 11, 2006 the Development Review Committee of the Town of Los Gatos approved Tentative Map application M-06-5 with conditions; and

**WHEREAS**, those conditions required the Owner or Subdivider to do the following:

1. That prior to the delivery of said Map to the Owner of said subdivision, and prior to its recordation, the Owner or Subdivider of said subdivision shall enter into and execute an agreement between the Town of Los Gatos and the said Owner or Subdivider on that certain proposed subdivision agreement ("Agreement") on file in the Office of the Town Clerk, entitled, "Contract for the Improvement of Tract No. 9969 – The Highlands of Los Gatos", wherein the Owner or Subdivider in consideration of the approval of said Map by the Town and acceptance by the Town of the dedication of lands for public use therein contained, shall agree to construct and complete, within the time specified in said agreement, all street and other improvements required of Owner or Subdivider under the provisions in Chapter 27 of the Code of the Town of Los Gatos, and such other street, sewer, or other improvements designated or mentioned in the Agreement and/or and as specified in the Plans and Specifications for Tract No. 9969 – The Highlands of Los Gatos.
2. That said Owner or Subdivider shall, before the release of said Final Map to Owner of Record, and as a condition precedent to the recordation thereof, furnish to the Town and file with the Town Clerk cash, or a good and sufficient bond in form to be approved by the Town Attorney, securing the faithful performance by said Owner or Subdivider of all work, and the construction of all improvements herein in the Agreement and within the time herein specified, the amount of cash or said bond to be Thirty Six Thousand Eight Hundred and 00/100 Dollars (\$36,800.00).
3. That said Owner or Subdivider shall, before the release of said Final Map to Owner of Record, and as a condition precedent to the recordation thereof, furnish to the Town and file with the Town Clerk certificates or policies of public liability and property damage insurance in form satisfactory to the Town Attorney, providing public liability insurance in the amount of Five Hundred Thousand (\$500,000.00) Dollars for each person, and One Million (\$1,000,000.00) Dollars for each accident or occurrence, and property damage coverage of Two Hundred Thousand (\$200,000.00) Dollars whereby the Town of Los Gatos, and in their capacity as such, its Council members, officers, boards, commissions, and its employees will be insured, indemnified, and held harmless from any and all

claims of any kind or nature arising or resulting from the construction of said improvements or other work of subdividing within or outside the said subdivision, and/or arising or resulting from or concerning the doing or failing to do so by said Owner or Subdivider of all things required to be done in the Agreement between said Owner or Subdivider and the Town of Los Gatos.

**WHEREAS**, the Owner or Subdivider has complied with the conditions of Tentative Map Application M-06-5.

**NOW, THEREFORE, IT IS RESOLVED** that the certain Final Map of Tract No. 9969 – The highlands of Los Gatos in the Town of Los Gatos, dated March 2008, and prepared by Dunbar and Craig Professional Land Surveyors for approval by the Town Engineer of the Town of Los Gatos, is hereby approved; the Town Manager is hereby authorized to execute the Agreement with the Subdivider and all offers of land for public use therein made on said Map are hereby accepted.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 2nd day of June, 2008 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CA

ATTEST:

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