



MEETING DATE: 12/15/08

ITEM NO: 13

COUNCIL AGENDA REPORT

DATE: DECEMBER 02, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Greg Larson".

SUBJECT: TRACT NO. 9428 - TERRENO de FLORES (14880 LOS GATOS BOULEVARD)

ADOPT RESOLUTION ACCEPTING WORK OF CUPERTINO DEVELOPMENT CORPORATION, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt a resolution accepting work of Cupertino Development Corporation, and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Town Clerk Administrator.

BACKGROUND:

The developer, Cupertino Development Corporation, requested approval to (a) construct an office building, 7 apartments, and 12 detached residential units and (b) demolish 8 residential units. On July 16 2001, the Town Council approved the Planned Development Ordinance (Ordinance 2089). The Tentative Map (M-01-14) was approved by the Planning Commission on January 30 2002. The Final Map for Tract 9428 was approved by the Town Council on September 16 2002, Resolution 2002-148, and was recorded December 3 2002. Subsequently, the developer requested approval of an amendment to the approved Planned Development to allow the office condominium and seven apartments to be owner-occupied. Town Council approved the Planned Development amendment PD-06-01 on February 21 2006, (Ordinance 2148). The Tentative Map (M-06-06) was approved by the Development Review Committee on May 30 2006. The Final Map for Tract 9834 was approved by the Town Council on August 7 2006, Resolution 2006-082.

A handwritten signature in black ink, appearing to read "Todd Capurso".

PREPARED BY: TODD CAPURSO

Director of Parks and Public Works

Reviewed by: PJS Assistant Town Manager JK Town Attorney _____ Clerk Administrator
_____ Finance _____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: TRACT NO. 9428 - TERRENO de FLORES (14880 LOS GATOS BOULEVARD)

DECEMBER 2, 2008

DISCUSSION:

The Tract 9428 Terreno de Flores development required widening of Los Gatos Boulevard including construction of curb, gutter, sidewalk, paving, catch basins, pipes, culverts, sanitary sewer, street lighting, street trees, signage, water system and fire hydrants. The work was completed to Town standards in January of 2006. Engineering acknowledged that the work was acceptable but did not sign off because the office building component of the project had not yet been constructed. Engineering believed there was a possibility that the public improvements would be damaged during the course of construction of the office building. The improvements were not damaged during construction and remain in near new condition.

The Developer posted security, in the form of bonds, to ensure that the public improvements would be constructed to Town standards. The Town typically releases 90-percent of the security upon recordation of the Certificate of Acceptance and Notice of Completion, and retains 10-percent for two years. Because the improvements were completed over two years ago, the full bond amount can be released without an additional two year withholding period.

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. 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 TRACT NO. 9428 - TERRENO de FLORES (with Exhibit A - Certificate of Acceptance and Notice of Completion)

Distribution:

Cupertino Development Corporation, Attn: Keith Kolker, 1307 South Mary Avenue, Ste 120, Sunnyvale, Ca 94087.

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ACCEPTING WORK OF CUPERTINO DEVELOPMENT CORPORATION AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE CLERK ADMINISTRATOR

WHEREAS, on September 16, 2002, Resolution 2002-148, the Town Council approved the final map for Tract 9428 Terreno de Flores (14880 Los Gatos Boulevard); and

WHEREAS, Cupertino Development Corporation has satisfactorily completed the public improvements consisting of installation of curb, gutter, sidewalk, paving, catch basins, pipes, culverts, sanitary sewer, street lighting, street trees, signage, water system and fire hydrants as required by the final map; and

WHEREAS, the development is now ready for final approval and acceptance by the Town of Los Gatos.

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

BE IT FURTHER RESOLVED, that 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 day of , 2008 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

PROJECT: Tract 9428 – Terreno de Flores (14880 Los Gatos Boulevard)
Planned Development

OWNER: Cupertino Development Corporation
21060 Homestead Road, Suite 120
Cupertino, CA 95014

TO WHOM IT MAY CONCERN:

We do hereby certify that Cupertino Development Corporation completed the work consisting of street, curb, gutter, sidewalk, street light, sanitary sewer, storm drainage and street tree improvements as required on the approved Plans and Specifications for the project.

The work was completed in August 19, 2008, and is commonly known as Tract 9428 – Terreno de Flores (14880 Los Gatos Boulevard)

The Surety on the bond accompanying the contract/agreement is: Underwriters Insurance Company.

Bond Number: 40007269
Bond Issued date: July 15, 2002

TOWN OF LOS GATOS

By: _____
Director of Parks and Public Works

By: _____
Town Manager

ACKNOWLEDGEMENT REQUIRED

AFFIDAVIT

I, GREG LARSON, the Manager of Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know 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 _____, 2008 at Los Gatos, California.

Greg Larson Town Manager
Town of Los Gatos

RECOMMENDED BY:

Todd Capurso,
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Orry Korb
Town Attorney

Date: _____

JURAT REQUIRED