



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/7/2023

ITEM NO: 8

DATE: November 1, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Acknowledging the Completion of Public Right-of-Way Improvements by Chang 2003 Family Trust for the Subdivision Located at 16940 Roberts Road and Authorizing the Town Manager to Execute and Record a Notice of Completion and Certificate of Acceptance

RECOMMENDATION:

Adopt a Resolution (Attachment 1) acknowledging the completion of public right-of-way improvements by Chang 2003 Family Trust ("Subdivider") for the subdivision located at 16940 Roberts Road and authorizing the Town Manager to execute and record a notice of completion and certificate of acceptance (Attachment 2).

BACKGROUND:

On June 7, 2022, Town Council accepted a dedication of public right-of-way located on the northwest corner of intersection of Fisher Avenue and Roberts Road as part of a subdivision application. The required mapping to support the dedication was filed with the County of Santa Clara on July 14, 2022.

The Town issued Conditions of Approval to the subdivision application that obligated the Subdivider to enter into a Subdivision Improvement Agreement and a Landscape Maintenance Agreement.

The Town Manager executed a Subdivision Improvement Agreement (Attachment 3) with the Subdivider on July 13, 2022 to construct various off-site public improvements including streets, sidewalks, curbs, gutters, and street signs acceptable to all in accordance with the approved plans and specifications.

PREPARED BY: James Watson
Senior Civil Engineer

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

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BACKGROUND (continued):

Faithful performance and labor and materials bonds were collected from the Subdivider to ensure completion of the improvements.

The Town Manager executed a Landscape Maintenance Agreement (Attachment 4) with the Subdivider on June 21, 2022 to maintain the landscaping and irrigation system within the planting strip in the public right-of-way along Roberts Road.

DISCUSSION:

The Subdivider has completed the work for the public improvements per the conditions of the Subdivision Improvement Agreement, and staff is recommending that Town Council accept the project as complete. Ten percent of the faithful performance bond shall be retained for a period of two years as a guaranty from any defective materials and workmanship. The execution and recordation of the Notice of Completion and Certificate of Acceptance is required to finalize the Town's acceptance of the public right-of-way improvements.

CONCLUSION:

Construction of the required improvements is complete, and staff is recommending acceptance of the public improvements at the intersection of Fisher Avenue and Roberts Road and execution of the required supporting documents.

FISCAL IMPACT:

The property owner and its successors shall be responsible for the maintenance of all vegetated areas adjacent to the property along Fisher Avenue and Roberts Road located within the street dedication. The public improvements associated with the Subdivision Improvement Agreement are not anticipated to increase maintenance costs of the Town's infrastructure.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15303: New Construction or Conversion of Small Structures). A Notice of Exemption will not be filed.

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Attachments:

1. Resolution
2. Certificate of Acceptance and Notice of Completion
3. Subdivision Improvement Agreement
4. Landscape Maintenance Agreement