



MEETING DATE: 5/15/06

ITEM NO. 8

COUNCIL AGENDA REPORT

DATE: May 3, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: 17435, 17443 & 17447 FARLEY ROAD WEST
ADOPT RESOLUTION ACCEPTING WORK OF BMS SPACE PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP AT 17435, 17443 & 17447 FARLEY ROAD, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY CLERK ADMINISTRATOR

RECOMMENDATION:

Adopt resolution accepting work of BMS Space Partnership, a California general partnership at 17435, 17443 & 17447 Farley Road West, and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by Clerk Administrator.

BACKGROUND:

The developer, BMS Space Partnership, a California general partnership, requested approval to construct six apartments and a new self storage facility of 58,426 square feet at 17435, 17443 & 17447 Farley Road West. On July 2, 2001, the Town Council approved the Planned Development Ordinance (Ordinance 2087) and on October 10, 2001, the Planning Commission approved the Architecture and Site Application. Grading and Encroachment permits were issued in June 2003.

DISCUSSION:

17435, 17443 & 17447 Farley Road West development consists of street widening and the associated curb, gutter, sidewalks, extension of the storm drains, sanitary sewers within Farley Road. All improvements were within the public street. Because of the extensive amount of work, contracts and securities were required to construct the improvements in the right-of-way. The improvements were completed to the Town's satisfaction in September 2005.

PREPARED BY: JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: PS Assistant Town Manager Attorney Clerk Finance
Community Development Revised: 5/3/06 1:29 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: 17435, 17443 & 17447 FARLEY ROAD WEST

May 3, 2006

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.

CONCLUSION:

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

FISCAL IMPACT:

No direct fiscal impact of the Town of Los Gatos is perceived as a result of this project.

Attachments:

Resolution accepting work of BMS Space Partnership, a California general partnership at 17435, 17443 & 17447 Farley Road West (with Exhibit A - Certificate of Acceptance and Notice of Completion)

Distribution:

BMS Space Partnership, 21060 Homestead Road, Suite 120, Cupertino, CA 95014-0205

**RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ACCEPTING WORK OF  
BMS SPACE PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP  
AT 17435, 17443 & 17447 FARLEY ROAD WEST  
AND AUTHORIZING THE TOWN MANAGER TO EXECUTE  
CERTIFICATE OF ACCEPTANCE  
AND  
NOTICE OF COMPLETION  
FOR RECORDING BY TOWN CLERK**

**WHEREAS**, on June 17, 2003, the Parks and Public Works Department of the Town of Los Gatos issued Encroachment Permit EN02-222; and

**WHEREAS**, BMS Space Partnership, a California General Partnership has satisfactorily completed the public improvements consisting of installation of curbs, gutters, sidewalks, tie-in paving, catch basins, pipes, storm drains, sanitary sewers and street lighting, as required by the approved plans, and the development is now ready for final approval and acceptance by the Town.

**WHEREAS**, ten percent of the performance bond provided by BMS Space Partnership shall remain in place for until September 28, 2007, to guarantee the work; and

**WHEREAS**, the work done under permit EN02-222 is hereby accepted as complete pursuant to the plans and specifications approved for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Town Manager/Executive Director 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 15<sup>th</sup> day of May, 2006 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**  
**17435, 17443 & 17447 Farley Road West**

TO WHOM IT MAY CONCERN:

We do hereby certify that BMS Space Partnership completed the work 17435, 17443 & 17447 Farley Road West on September 28, 2005. The work generally consists of, including the construction of curbs, gutters, sidewalks, paving, catch basins, pipes, culverts, storm drains, sanitary sewers and street lighting.

The work was completed on September 2005, and is commonly known as **17435, 17443 & 17447 Farley Road West.**

The Surety on the bond accompanying the contract/agreement is Platte River Insurance Company.

Bond Number: **40063377**  
Bond Dated: **May 15, 2003**

TOWN OF LOS GATOS

By: \_\_\_\_\_  
Director of Parks and Public Works

By: \_\_\_\_\_  
Town Manager

I, DEBRA J. FIGONE, 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 \_\_\_\_\_, 2006 at Los Gatos, California.

\_\_\_\_\_  
DEBRA J. FIGONE, Town Manager  
Town of Los Gatos

**RECOMMENDED BY:**

\_\_\_\_\_  
John E. Curtis, Director of Parks and Public Works

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Date: \_\_\_\_\_

**TOWN OF LOS GATOS, CALIFORNIA, ACKNOWLEDGMENT**

State of California  
County of Santa Clara

On \_\_\_\_\_ before me, **MARLYN RASMUSSEN, Clerk Administrator**, personally appeared **DEBRA J. FIGONE, Town Manager**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the within instrument the entity upon behalf of which the person acted, **The Town of Los Gatos**, executed the instrument.

**WITNESS** my hand and official seal.

\_\_\_\_\_  
(Clerk Administrator of Los Gatos, California)

**CAPACITY CLAIMED BY SIGNER:**

Municipal Officer of the Town of Los Gatos

**DESCRIPTION OF ATTACHED DOCUMENT:**

**Title of Document:** Certificate of Acceptance and Notice of Completion  
17435, 17443 & 17447 Farley Road West

**Number of Pages:** 2

**Date of Document:** \_\_\_\_\_

**Signer(s) Other than Named Above:** Orry Korb, Town Attorney  
John E. Curtis, Director of Parks and Public Works