



## TOWN OF LOS GATOS PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY PROCEDURES

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Improvements such as specialty pavements, mailboxes, decorative columns, fences, retaining walls, and any other improvements that are not designed per the Town's Standard Plans will require a Public Right-of-Way (formerly Indemnity) Agreement.

### Processing

- 1) The Engineering Division will require a Private Improvements in the Public Right-of-Way Agreement as part of a project's Conditions of Approval, which shall be completed prior to issuance of any permits. The property owner shall be solely responsible for maintaining the improvements in good & safe conditions at all times, and indemnify the Town of Los Gatos.
- 2) The Applicant shall submit a completed Encroachment Permit application to the Engineering Division. The Agreement references the Encroachment Permit Application Number, which will be generated upon the submittal of a completed application.
  - The generation of an Encroachment Permit Application Number does not represent the approval or issuance of an Encroachment Permit.
- 3) The Town will prepare the required document for the Agreement and provide the paperwork to the Applicant.
- 4) The Applicant shall have their signature(s) notarized by a Notary Public, which includes an Acknowledgement as required by the State of California.
  - The property owner(s) name(s) must exactly match the way in which the agreement is signed and also the way their name(s) is/are notarized. **Any discrepancies will result in the County Recorder sending the recording back as *incomplete*.**
- 5) The original document shall be submitted to the Engineering Division. The Agreement will be signed by the Director of Parks and Public Works and notarized.
- 6) The Project Engineer will contact the Applicant. The Town Clerk will record the document at the Santa Clara County Office of the Clerk-Recorder. Please note that this process may take approximately six to eight (6-8) weeks. Subsequently, the Applicant can request a conformed copy from the County for their personal records, which is available for a fee determined by the number of pages. Please note that **the Town of Los Gatos will keep the original recorded document.**