



January 13, 2021

Job No: 20-235

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January 22, 2021
Job No: 20-235

Frank Burke, Esq.
Mediator/Arbitrator
ADR Services, Inc.
(no address available)

Subject: Sky Lane Right of Way – Mediation
Los Gatos, California

Dear Mr. Burke,

On behalf of property owner Bud Elam and his counsel Michael Ackerman, we are submitting the following exhibits in the matter of the Sky Lane right of way.

1. **1929 Road Maintenance Agreement**
This depicts the original property owners that were party to the Sky Lane right of way. Both the Elam and Jones properties were part of the T.J. Escover ownership at that time.
2. **Los Gatos Hillside Specific Plan**
This is a Specific Plan from 1978 that is a supplement to the Town General Plan. It was jointly adopted by the Town and County of Santa Clara and is still operable today. We have highlighted excerpts which relate to vehicular circulation and the fact that the Sky Lane to Santa Rosa Drive was proposed to be a full through street connection to Sky Lane.
3. **1989 Shurter Residence (now Jones)**
Note that Shurter was conditioned by the Town of Los Gatos to dedicate a public half street right of way of 20' before occupancy of his residence. Shurter never completed this requirement.
4. **1991 Habib Azar/Tentative Map and Tract 8400 Subdivision Map**
We processed this subdivision of 15 lots which included the extension and dedication of Sierra Azule as a 40' right of way to the common easterly property line of both Elam and Jones. Note that the pavement was constructed to only the last residence opposite the San Jose Water Company tank.
5. **Boundary and Topographic Survey of Sky Lane**
These maps depict the 40' right of way centered on the common line between Elam and Jones. The encroachment of the slope failure from Jones into Elam is highlighted and extends 45' into Elam.
6. **Emergency Access Road Plan**
The Town of Los Gatos has indicated that the Sky Lane to Sierra Azule connection can be downgraded to a gated emergency access road of 15' pavement width. This would also serve as a common driveway for subdivision lots 8,9 and 10 with the gate located at the west end of Elam. Although the Jones encroachment extends 45' into Elam, it is possible to diverge around the landslide with the 15' roadway, provided that Elam dedicate significant additional right of way.

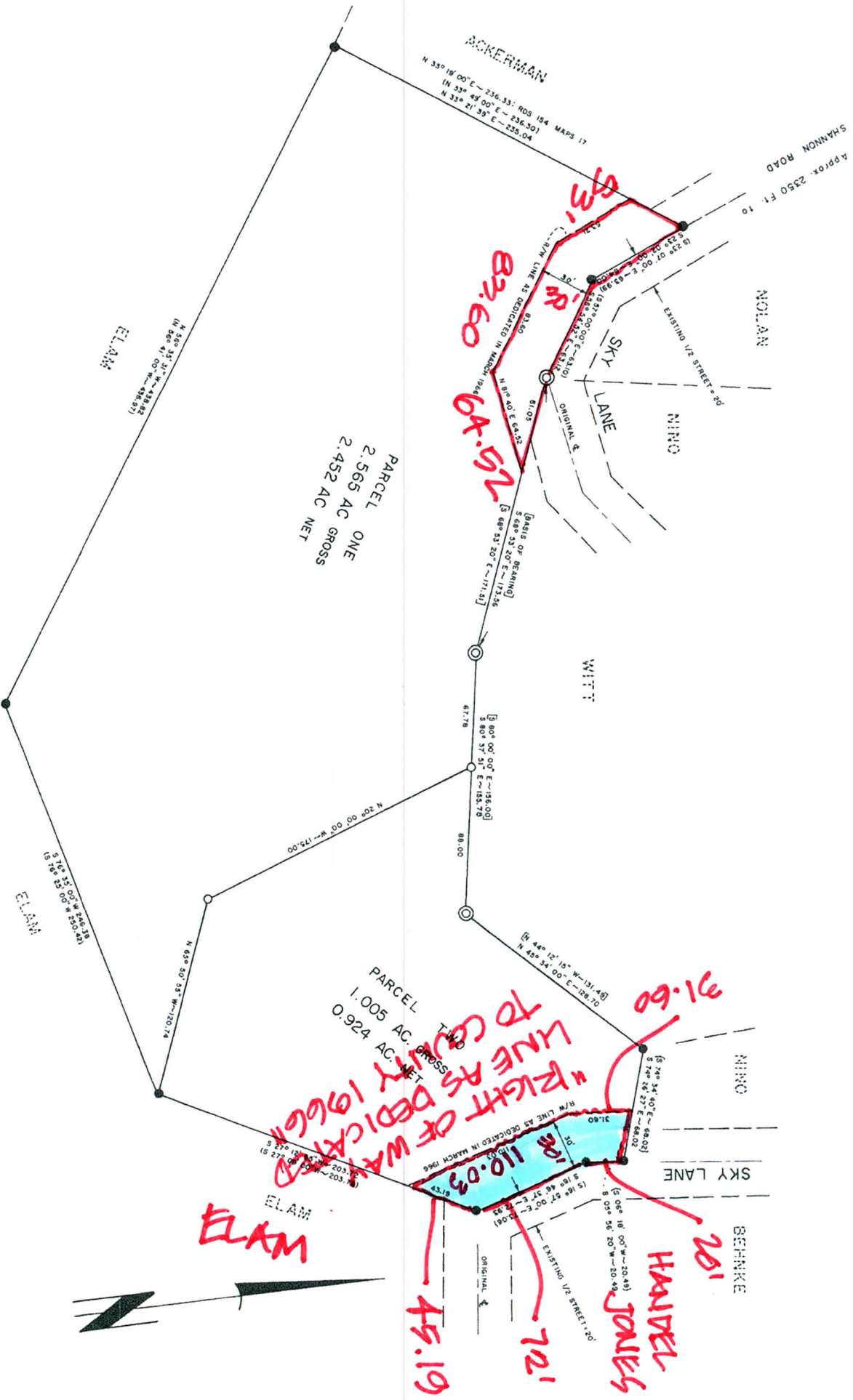
We are happy to respond to any questions you may have. We have exhausted the review of all pertinent deeds, subdivision documents and surveys of this portion of Sky Lane.

Should you require additional information please contact me by email: terry@tscivil.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terence J. Szewczyk', is written over a light blue horizontal line.

TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer



PARCEL MAP
OF A PORTION OF SECTION 24 T8S, R1W, M.D.M.
LYING WITHIN THE UNINCORPORATED AREA
OF
SANTA CLARA COUNTY, CALIFORNIA
DECEMBER 1969
SCALE: 1" = 50'

- LEGEND
- ◎ FD 1/2" I.P. WITH R.C.E. NO. 6307
 - FD 3/4" I.P. WITH NO TAG
 - SET 1" I.P. WITH L.S. NO. 3591
 - () BOOK 43 OF MAPS, PAGE 33
 - [] BOOK 166 OF MAPS, PAGE 49
 - { } BOOK 4799 OFFICAL RECORDS PAGE 506

NOTE:
Minimum standards required by the local fire authority relating to water supply for fire purposes and access roads for fire equipment shall be met prior to final building approval and occupancy.

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME, AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT, AND I HEREBY CERTIFY THAT IT CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF. THAT ALL PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

L.S. NO. 3591
[Signature]

COUNTY SURVEYOR'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 10th DAY OF FEBRUARY 1970, FOR CONFORMANCE WITH THE REQUIREMENTS OF SECTION 11975 OF THE SUBDIVISION MAP ACT.

JAMES T. POTT
County Surveyor
[Signature]

RECORDER'S CERTIFICATE

Filed this 11th day of FEBRUARY 1970 at 5:46 pm. in Book 264 of Maps of page 24 of the request of MARVIN L. SPRENGER

GEORGE E. FOWLES
County Recorder
[Signature]

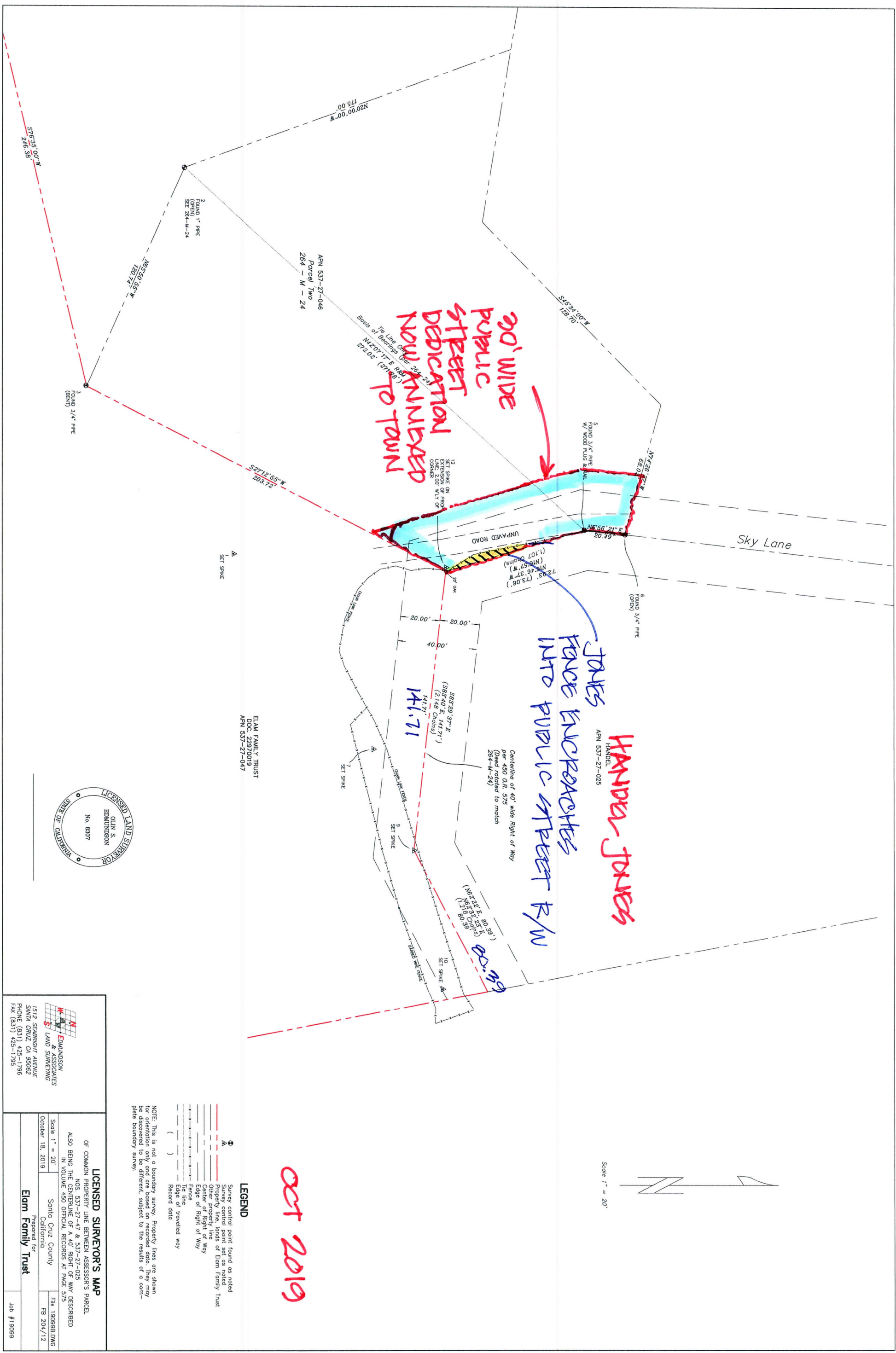
BASIS OF BEARING

THAT LINE, FOUND MONUMENTED IN THE FIELD AND SHOWN TO BE S 68° 53' 20" E ON THAT RECORD OF SURVEY FILED WITH THE RECORDER OF THE COUNTY OF SANTA CLARA IN BOOK 166 OF MAPS AT PAGE 49.

By Deputy *[Signature]* #500

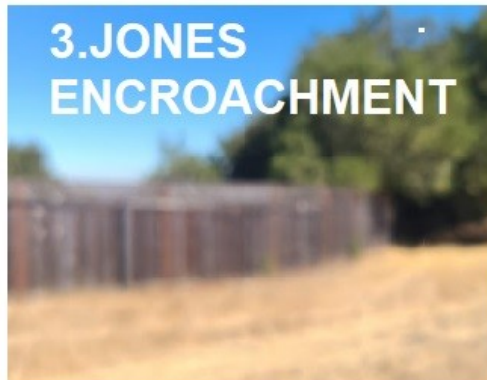
MARVIN L. SPRENGER
CIVIL ENGINEER & LAND SURVEYOR
LOS GATOS CALIFORNIA

1969









Long ▲ Lat: 37.22526° N
Lon: 121.92321° W

0 50 100ft

S/CIVIL ENGINEERING, INC.
776 TECHNOLOGY DRIVE
SAN JOSE, CA 95110

ENGINEERING

7.7070 FAX: 408.837.7550

SIERRA AZUL LN - EVAE

1929 ROAD AGREEMENT

575

FILING NO.H-6548

Filed for Record at the Request of A. C. Darby, Mar. 19, 1929 at 30 min. past 2 o'clock P. M.

Fee 75¢ 3 f. *Chumel* MAY E. FLANNERY Recorder
Syl C. Tully Deputy Recorder *Smith*
TONY J. ESCOVER ET AL TO FRANK WOHNERT ET AL

THIS INDENTURE, made this 12th day of March, 1929, between Tony J. Escover, (unmarried) first party, Frank Wohner and Guadalupe M. Wohner, his wife, second parties, William E. Jarvis and Mary Jarvis, his wife, third parties, Manuel F. Escover and Lenora Escover, his wife, fourth parties, and H. W. Gould and Edith Gould, his wife, fifth parties,

WITNESSETH: For and in consideration of the sum of One dollar paid by each party to each other party; and for other good and valuable consideration, each party hereto hereby grants to each other party hereto, their respective heirs and assigns, a right of way of egress and ingress in common with other parties over and along a roadway constructed or to be constructed through the several parcels of land hereinafter described. Said right of way shall be forty (40) feet wide, and shall be twenty (20) feet on each side of a center line particularly described as follows:

BEGINNING at the southeasterly corner of that certain 14.95 acre tract deeded by Tony J. Escover to William E. Jarvis by deed dated May 31, 1927, and recorded in Book 322 of Official Records, page 567, in the office of the County Recorder of Santa Clara County, California, and running thence S. 45° 42' W. 3.518 chs., S. 55° 33' W., 1.775 chs., S. 34° 04' W. 3.403 chs., S. 52° 20' W., 2.586 chs., S. 81° 40' W. 1.068 chs., N. 57° W. 0.956 chs., N. 23° 07' W. 3.083 chs., N. 39° 35' W. 1.212 chs., N. 82° 54' W. 0.772 chs., S. 62° 11' W. 0.951 chs., S. 79° 49' W. 1.355 chs., N. 71° 20' W. 1.211 chs., N. 36° 15' W. 1.505 chs. and N. 11° 42' W. 2.809 chs. to a point on the southerly line of that certain 5.00 acre tract deeded by Tony J. Escover to Frank Wohner by deed dated May 31, 1927 and recorded in Book 331 of Official Records, page 127, in the office of the County Recorder of Santa Clara County, California; thence N. 11° 42' W. 0.106 chs., N. 39° 33' W. 0.889 chs., S. 75° 53' W. 1.73 chs. and S. 61° 47' W. 0.799 chs. to a point in the southerly line of said 5.00 acre tract; and running thence S. 61° 47' W. 1.60 chs., S. 75° 32' W. 2.159 chs., and S. 83° 30' W. 0.419 chs. to a point on the westerly line of Section 24, Township 8 South, Range 1 West, M.D.M. from which the northwesterly corner of Section 24 bears N. 0° 22' E. 11.686 chs. and running thence S. 83° 30' W. 2.10 chs., S. 27° 09' W. 0.571 chs., S. 26° 11' E. 0.875 chs. and S. 84° 49' E. 1.959 chs. to a point in the easterly line of said section 23, from which the northeasterly corner of said Section 23 bears N. 0° 22' E. 13.39 chs.; and running thence S. 84° 49' E. 0.275 chs., S. 16° 55' E. 2.669 chs., S. 32° 30' E. 1.445 chs., S. 63° 16' E. 2.647 chs., and S. 1° 16' E. 4.417 chs. to the center of the Shannon Road.

ALSO: A right of way 40 feet wide, the center line of which is more particularly described as follows:

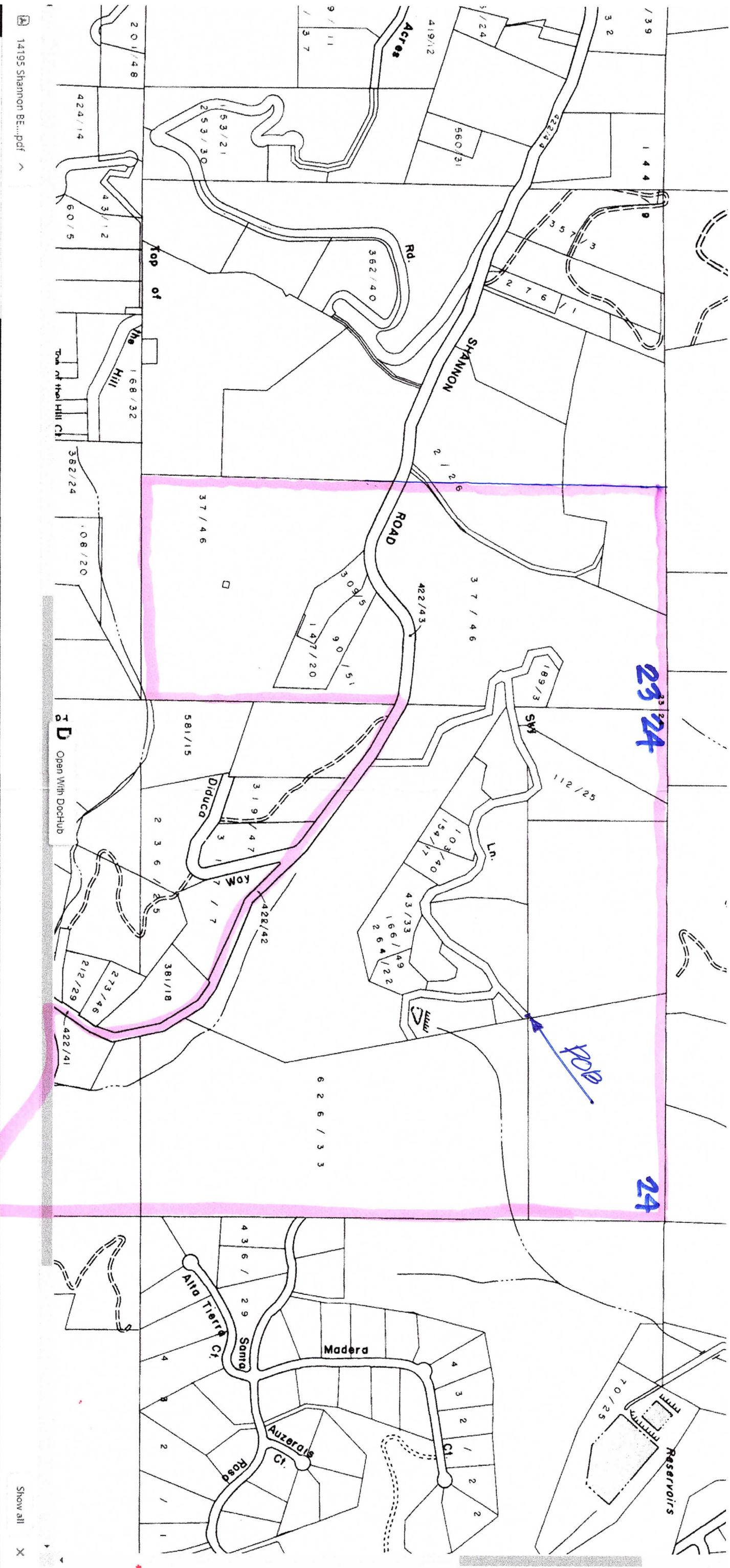
BEGINNING at a point in the westerly line of that certain 72.14 acre tract deeded to Manuel F. Escover by deed dated Nov. 27, 1922, and recorded in Book 566 of Deeds, page 403, in the office of the County Recorder of Santa Clara County, California, from which point a corner on the westerly line of said 72.14 acre tract bears S. 10° 16' E. 9.67 chs. and running thence S. 62° 22' W. 1.218 chs., N. 83° 40' W. 2.148 chs., N. 16° 57' W. 1.107 chs., N. 6° 18' E. 3.153 chs., N. 5° 09' W. 2.324 chs. and N. 51° 58' W. 1.005 chs. to a point from which the southeasterly corner of that certain 14.95 acre tract deeded by Tony J. Escover to William E. Jarvis by deed dated May 31, 1927 and recorded in Book 322 of Official Records, page 567 in the office of the County Recorder of Santa Clara County, California, bears N. 45° 42' E. 3.518 chs.

The rights of way hereby granted are made appurtenant to each part and parcel of the following described tracts of land, situate in the County of Santa Clara State of California, and particularly described as follows:

1. That certain 144.47 acres of land particularly described in that certain deed from Manuel F. Escover and Lenora Escover, his wife, to Tony J. Escover, dated November 27, 1922 and recorded on November 27, 1922, in Volume 566 of Deeds, page 401, in the office of the County Recorder of the County of Santa Clara, State of California.

2. BEGINNING at the one-quarter section corner in the line between Sections 23 and 24 in Township 8 South, Range 1 West, M.D.M. running thence west 17.50 chs. to a stake in fence marked "70" on the north line of land now or formerly of Killan, thence north 19.11 chs. to a stake in ravine on north line of Road; thence down the center of said ravine and along the line of said road N. 66° W. 1.19 chs. to a stake marked "A" at intersection of a small ravine; thence up the center of said

EXHIBIT 1



1978 CADASTRAL
MAP

Hillside Specific Plan - Introduction

Hillside Specific Plan - Introduction

The purposes of the Los Gatos Hillside Plan are to address the existing and future development policies of town and county, to make recommendations for future development in the planning area, and to promote harmony between development and the natural environment.

The Board of Supervisors and the Town Council jointly appointed the first hillside committee comprised of two planning commissioners and staff from each agency in the spring of 1975. This Committee was to develop a plan for development of lands in the Los Gatos hillside area through the formulation and implementation of development policies and standards in at least five areas:

1. Circulation patterns
2. Water supply
3. Fire protection
4. Sanitary sewage disposal
5. Aesthetic impact of development

This Committee filed its report on November 24, 1975, finding that a substantial portion of the study area was steeper than 50% slope and if developed to the extent allowed by existing regulations would create extensive deficiencies in access, water and sewer services. The Committee also found that due to market pressures, the study area would develop with or without proper plans, policies and standards, and recommended that the board and Council appoint an expanded committee which would include representation of conservationists, county and town homeowners, League of Women Voters or AAUW, county Landowners Associations, Board of Realtors, town citizenry residing outside the study area, and agriculturalists to prepare a specific plan.

During 1976 and early 1977, the second Committee met and formulated a specific plan which was presented at a joint Board of Supervisors Town Council meeting in May, 1977. That plan included the following statement: "In its work the Committee's ever present goal was to attempt to encourage that kind of growth which would be harmonious to the environment and fair to the landowners and residents, both present and future. This report is an effort to reflect as accurately as possible and desires--not always unanimous--of the community in and around Los Gatos as best we could perceive them. The recommendations are based on field trips, questioning of experts in many fields, excellent staff research and technical presentations, and listening to many residents of the study area on such subjects as road circulation patterns, water supply, sanitary sewage disposal, protection of plant life in the fragile hillside area, and the accommodation of an optimum population."

Soon after, the town Planning Commission commenced public hearings on the plan and recommended an amended plan to the Town Council on February 8, 1978. The county Planning Commission recommended approval of the amended plan on November 8, 1978. The Town Council held hearings, studied some further amendments and after having referred the amendments to the Planning Commission adopted the specific plan on August 7, 1978. The Board of Supervisors then adopted the same plan as adopted by the town on March 19, 1979.

Upon adoption of the Plan by the Board of Supervisors, the town amended its various ordinances and created three new hillside zones in compliance with the provisions of the Hillside Specific Plan. By the end of 1979, all areas in the

21. Emergency Access Roads:

Emergency access roads shall be provided in accordance with the following standards:

a. Standards:

1. Right-of-way

Right-of-way shall be an emergency access easement granted to the public. Some consideration of pedestrian trail easements should also be included.

2. Width

The width of the easement should be sufficient to contain the roadway with whatever additional easements are necessary for slope banks in the case of steep terrain. Roadbed widths should be a minimum of 15 feet plus an additional three feet of shoulder. A lesser width may not be approved unless there is a finding by the Planning Commission that the minimum width called for above would have a severe environmental impact, and that with a lesser width adequate fire protection can be maintained.

3. Structural Strength

Structural strength of the roadbed shall be designed to withstand a gross vehicle weight of 30,000 pounds. A minimum of six inches of aggregate base and some surface sufficient to protect the base shall be required.

4. Roadway Surface

Roadway surface must be sufficient to protect the roadway base and provide a non-skid surface in areas where the grade exceeds 15%. Where the grade is less than 15% the surface shall be a double chip seal.

5. Closure Devices

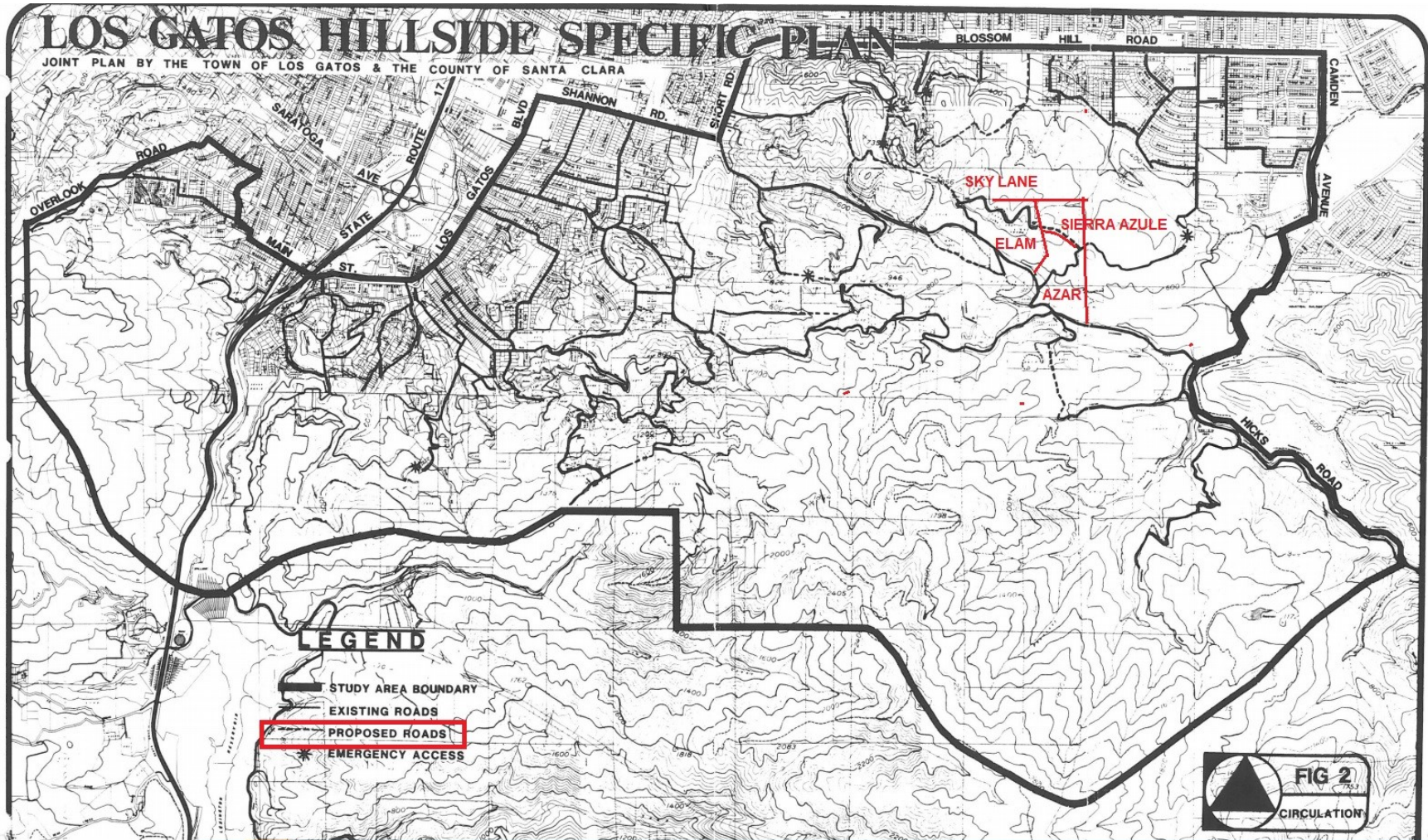
Gates with locking devices shall provide closure and permit access by Police, Fire and other emergency vehicles, maintenance vehicles and by the general public in times of emergency. Staff shall conduct a study of gates and appropriate locking mechanisms in order to resolve the following and other problems, and submit its report to the Planning Commission meeting at its second meeting in January, 1985:

- a) Making operation easy enough to facilitate inspection, maintenance and quick access during emergencies. Ideally, an Operator or Inspector should be able to open the gate without leaving the vehicle.
- b) Reducing vandalism.
- c) Preventing access by motorcycles.



Type here to search





BENHKE PROP.

5-27-81
A.P.N.-537-27-25
Santo Div Co. 6/11/81
1 of 8

ROGER DOUGEL.S.
(CREDIBLE)

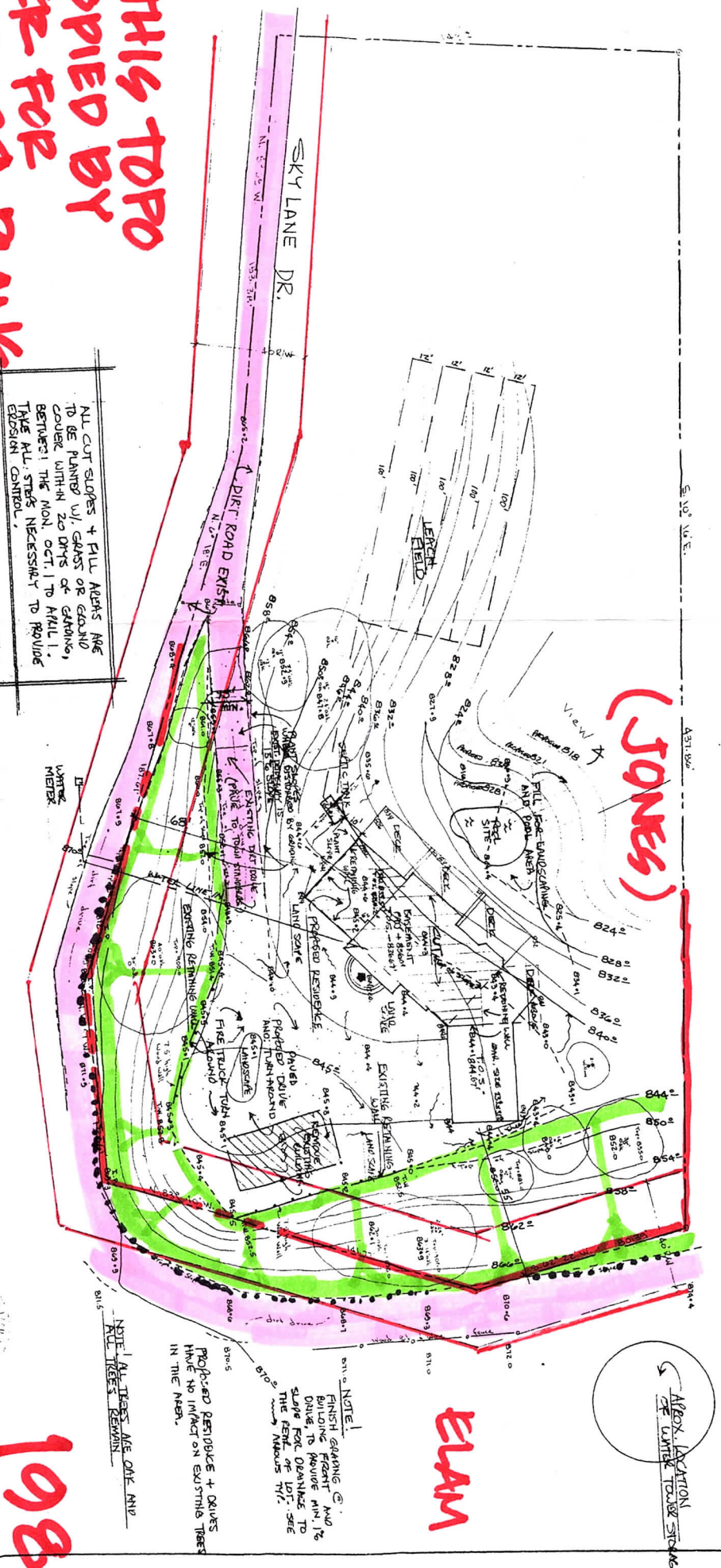
1981

RESIDENCE FOR
LEMERANDE

SITE PLAN
A RESIDENCE FOR MR. ALAN LEMERANDE et al
215 HAMILTON AVE. WEST, CARLSBELL, CA.
371-3515 - LES / 570-1750 - ALAN
PROPOSED RESIDENCE APPROX 6500 SF
Scale - 1"=20'

PRUITT ENTERPRISES
DAVE PRUITT
544 E. 10TH ST.
SAN ANTONIO, TX 78211

NOTE: THIS TOPO
WAS COPIED BY
SHUTTER FOR
HIS 1986-89 PLANS.



(JONES)

ELAM

24X



TOWN of LOS GATOS

ENGINEERING DEPARTMENT
(408) 354-6863

September 8, 1988

Mr. Dan Shurter
14813 Bronson Avenue
San Jose, CA 95124

Subject: Sky Lane (S-85-55A)
Grading Permit

Dear Mr. Shurter:

We have reviewed the grading plans for the above project and they are enclosed with our comments noted in red. These comments are summarized as follows:

Sheet A-1

1. Clarify if retaining wall on westerly side of driveway/parking area is existing or proposed wall.
2. Indicate if there is to be a curb or headerboard at edge of paved area and provide details.
3. Provide detail for V-ditch.
4. Revise rim elevation of C.B. on easterly side of driveway.
5. Provide detail of catch basins or size and model number.
6. Provide detail for new retaining walls. Walls over 30 in. in height must have calculation.
7. Include legend.

Sheet A-11

1. Not needed in grading plan set.

Sheet C1

1. Show a silt fence to be installed below house.

Sheet C2

1. Retaining wall in Section A-A doesn't match section line on Sheet A-1.

Sheet C3

1. Show locations or indicate by stationing areas on driveway to have retaining structure and provide detail.
2. Revise driveway base to Caltrans Class II A.B.
3. Indicate maximum fill slope.
4. Eliminate references to building pad and paving around building area. These are clearly shown on Sheet A-1.

CIVIC CENTER • 110 EAST MAIN STREET • P.O. BOX 949 • LOS GATOS, CALIFORNIA 95031

Page 2

Mr. Dan Shurter
Subject: Sky Lane (S-85-88A)
September 8, 1988

Before we can approve the grading permit, the following items must be in order:

1. Payment of fees:
 - a. Engineering plan check fee \$ 717.00
 - b. Engineering inspection fee 3,143.00
2. Grading Plans. Return check prints with next submittal.
3. Tree Maintenance Agreement. Enclosed is the original and two copies of the Tree Maintenance Agreement. Please sign the original and one copy and return them to us for further processing. All signatures must be notarized.
4. Grant Deed for Sky Lane. The Grant Deed for the Sky Lane dedication is being processed and will be sent to you under separate cover when completed and checked.

If you have any questions, please contact Trish Duarte of our office.

Very truly yours,

RONALD J. ZAPF
Town Engineer

Trish Duarte

FRANS J.J. LIND
Associate Civil Engineer

RJZ:FL:TD:dr
(ENG01/SHURTER)

EXHIBIT 3

39-0569
ENGINEERING DEPARTMENT
408/354-6864

GRADING PERMIT

ARCHITECTURE & SITE APPROVAL NO.

S-85-55A

SKY LANE

Permittee's Name DAN SHURTER

Date 4/13/89

Address 14312 Pleasanton Ave., J. Y. 124 Phone 22-4727(6)

Location of Proposed Work 141225 Sky Lane (C. 13)

Type of Grading Authorized

☒ Regular☐ Engineered

Fees:

Permit Processing

\$

Quantity

Cu Yds.

Plan Checking

\$

The term of this permit shall not

Inspection

\$

exceed:

Surety:

Cash

\$

Bond

\$

Other

Concurrent with tract contract

Total

\$

1989

Misc. Fees

\$

Record of Payment

\$

Received

By

Receipt No.

By

S-85-55A

This permit is issued SUBJECT TO the terms and conditions of the Town of Los Gatos Grading, Erosion and Sediment Control Ordinance (Los Gatos Town Code, Chapter 36, Ordinance No. 1647) and to the application and the approved plans and specifications made a part hereof by reference. The Grading, Erosion and Sediment Control Ordinance and the approved plans and specifications are by this reference incorporated in this permit as if set forth at length. No change of any nature in the application, the plans and specifications, or in the work to be performed thereunder, shall be made unless such change shall have first been approved in writing by the Town Engineer and an amendment to this permit executed.

And it is further provided that No earth disturbing Activities TO
START PRIOR TO APRIL 17, 1989

Final Geotechnical Report Required?

Yes

No

Agreed and Accepted:

Dan Shurter
(Applicant)

Approved for Issuance
Town EngineerBy Dan ShurterDate: 4/13/89Date: 4/13/89

(GRADING2/ENG01) NDP:pm

FILE COPY

Sept. 25, 1987

Mr. Lee E. Bowman
Planning Director, Town of Los Gatos
Los Gatos, Planning Dept.
110 East Main Street
Los Gatos, Ca. 95030

Re: Modification to Architectural and Site Approval S-85-55A

Requesting the deletion of condition # 8 in the approval
for the construction of a single family residence on Sky Lane.

Dear Mr. Bowman,

As I understand condition # 8, the Town of Los Gatos is asking me to agree to participate in the cost of improving that portion of Sky Lane which is a right-of-way on my property. I am also being asked to dedicate this right-of-way to the Town in condition # 7 of the approval.

I am willing to dedicate this portion of Sky Lane on my property to the Town of Los Gatos, however, the cost of improving this portion of Sky Lane would put an excessive burden on the total cost of my project.

It seems that the cost of this road improvement would be something that the development to the East would bear. That project would be on a much larger scale and the cost of improving Sky Lane would not have an overbearing effect on the total cost of the project. Also, the primary purpose for this improvement of Sky Lane would be to provide emergency access to this development to the East.

If condition # 8 could be deleted from my approval, I would be able to continue with this project, including dedicating my portion of Sky Lane to the Town of Los Gatos. This dedication would then give the Town of Los Gatos control of this right-of-way for future improvements.

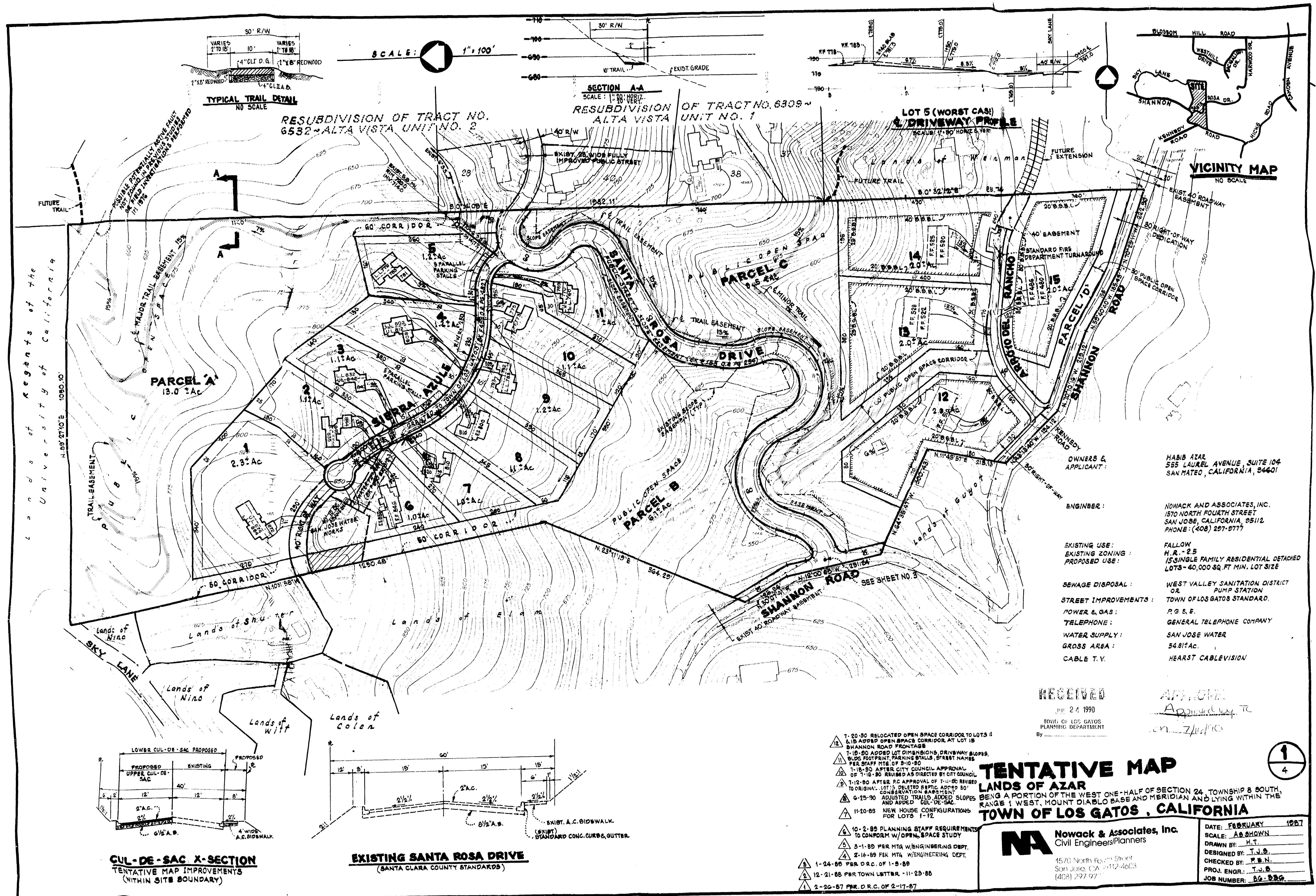
thank-you for your consideration,

Dan Shurter

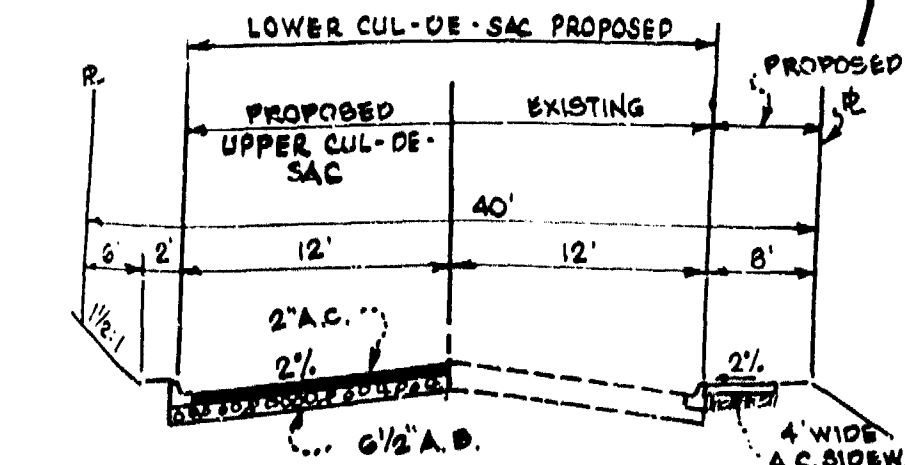
Attachments:

- Copy of the parcel map showing subject properties. My property is shown as Lands of Behnke. The property to the East is shown as a proposed subdivision.
- Copy of the Conditions for Architecture and Site Approval S-85-55
- Copy of Engineer's Cost Estimate to improve Sky Lane to Town standards.

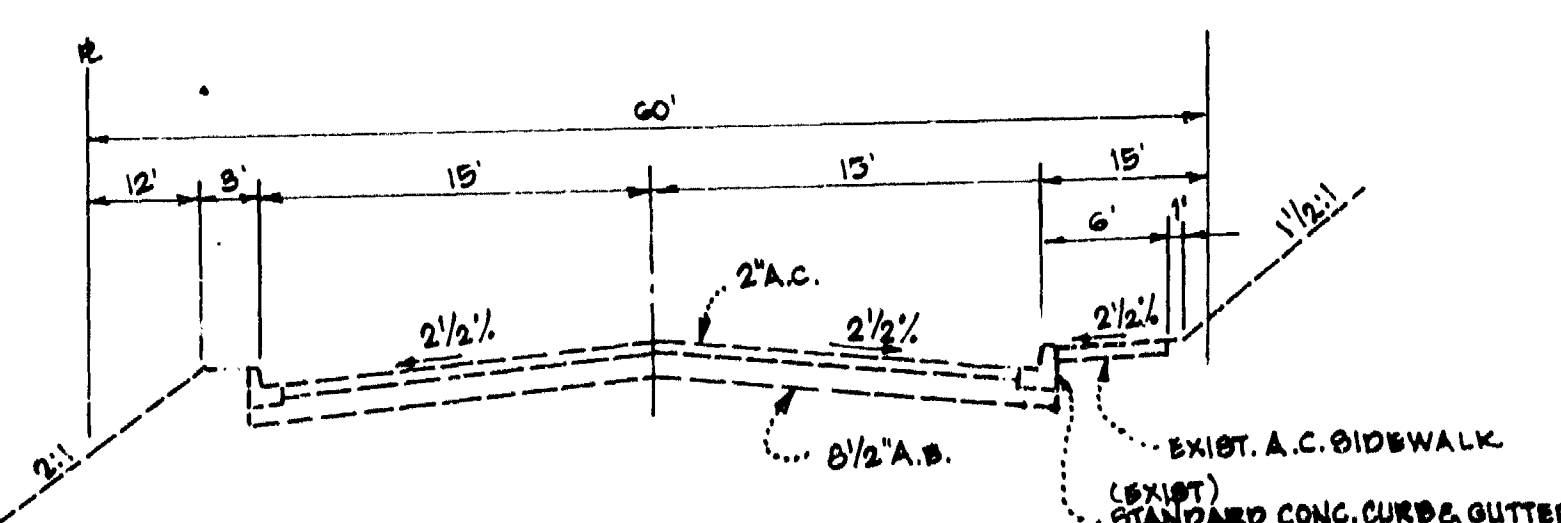
a-25-87



Lands of Regents of the University of California



CUL-DE-SAC X-SECTION
TENTATIVE MAP IMPROVEMENTS
(WITHIN SITE BOUNDARY)



EXISTING SANTA ROSA DRIVE
(SANTA CLARA COUNTY STANDARDS)

- 1-20-90 RELOCATED OPEN SPACE CORRIDOR TO LOTS 1 & 2
- 2-15-90 ADDED OPEN SPACE CORRIDOR AT LOT 15
- 3-15-90 ADDED LOT DIMENSIONS, DRIVEWAY SLOPES, BUS STOP, PARKING STALLS, STREET NAMES PER STAFF MTS. OF 3-10-90
- 4-15-90 AFTER CITY COUNCIL APPROVAL, OF 1-15-90 REVISED AS DIRECTED BY CITY COUNCIL
- 5-12-90 AFTER PC APPROVAL OF 1-15-90 REVISED TO ORIGINAL LOT'S DELETED REPTIC ADDED 30' CONSERVATION EASEMENT
- 6-25-90 ADJUSTED TRAILS ADDED SLOPES AND ADDED CUL-DE-SAC
- 11-20-90 NEW HOUSE CONFIGURATIONS FOR LOTS 1-12
- 12-2-90 PLANNING STAFF REQUIREMENTS TO CONFORM W/ OPEN SPACE STUDY
- 3-1-90 PER MTS. W/ ENGINEERING DEPT.
- 4-16-90 PER MTS. W/ ENGINEERING DEPT.
- 1-24-90 PER D.R.C. OF 1-9-88
- 12-21-88 PER TOWN LETTER - 11-23-88
- 2-20-87 PER D.R.C. OF 2-17-87

TENTATIVE MAP LANDS OF AZAR BEING A PORTION OF THE WEST ONE-HALF OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN AND LYING WITHIN THE TOWN OF LOS GATOS, CALIFORNIA

Nowack & Associates, Inc.
Civil Engineers/Planners
4570 North Fourth Street
San Jose, CA 95124-6003
(408) 297-9777

DATE: FEBRUARY 1997
SCALE: AS SHOWN
DRAWN BY: H.T.
DESIGNED BY: T.J.B.
CHECKED BY: T.J.B.
PROJ. ENGR.: T.J.B.
JOB NUMBER: 86-239

OWNERS & APPLICANT:
HABIB AZAR
555 LAUREL AVENUE, SUITE 104
SAN MATEO, CALIFORNIA, 94401

ENGINEER:
NOWACK AND ASSOCIATES, INC.
1870 NORTH FOURTH STREET
SAN JOSE, CALIFORNIA, 95112
PHONE: (408) 297-9777

EXISTING USE:
H.A. - 2.5
PROPOSED USE:
15 SINGLE FAMILY RESIDENTIAL DETACHED
LOTS - 40,000 SQ. FT. MIN. LOT SIZE

SEWAGE DISPOSAL:
WEST VALLEY SANITATION DISTRICT
OR
PUMP STATION

STREET IMPROVEMENTS:
TOWN OF LOS GATOS STANDARD.

POWER & GAS:
P.G. & E.

TELEPHONE:
GENERAL TELEPHONE COMPANY

WATER SUPPLY:
SAN JOSE WATER

GROSS AREA:
54.81 AC.

CABLE T.V.:
HEARST CABLEVISION

RESOLUTION 1990-168

RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF LOS GATOS
RATIFYING TOWN COUNCIL CERTIFICATION OF ENVIRONMENTAL IMPACT
REPORT AND APPROVAL OF TENTATIVE MAP FOR 15 LOT SUBDIVISION OF
54.7 ACRES OF HILLSIDE LAND ALONG SANTA ROSA DRIVE AND NORTH OF
SHANNON ROAD IN THE HR-2 1/2 ZONE

(SANTA ROSA HEIGHTS SUBDIVISION - HABIB AZAR)

WHEREAS:

A. On July 16, 1990 the Town Council considered the proposed 15 lot subdivision of 54.7 acres of hillside land along Santa Rosa Drive and north of Shannon Road in the HR-2 1/2 zone on property owned by Habib Azar and the Environmental Impact Report related thereto (Environmental Impact Report EIR-88-1 and Subdivision Application M-87-1); and

B. After public hearing on the matter at which testimony was presented and documents submitted, the Town Council took action as set forth below and ratified by adoption of this resolution.

BE IT RESOLVED:

A. The Town Council hereby certifies that it has reviewed and considered the information in the Environmental Impact Report (EIR-88-1) and that the Environmental Impact Report has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and State and Town Guidelines.

B. The Town Council hereby makes the findings pursuant to Section 15091 of the California Environmental Quality Act that conditions of approval have been required as part of the project which avoid or substantially lessen the significant environmental effect as identified in the final Environmental Impact Report, as set forth in the project's Mitigation Monitoring Plan.

slopes steeper than 1:6 (16 percent).

14. Known springs and seeps or those discovered during grading shall be provided with subsurface drainage, as directed by the Town Engineer.
15. Grading and foundation plans for the site shall be reviewed by a Certified Engineering Geologist at the applicant's expense to assure that geologic recommendations are followed.
16. Any work in the public right-of-way will require a Construction Encroachment Permit.
17. A well information questionnaire (available through the Town Engineer) shall be completed.
18. A final map shall be filed.
19. The 40-foot right-of-way for Sierra Azul to the west property line of the site, within the boundary of the site, shall be dedicated to the Town.
20. The minimum requirements for Sierra Azul as a dedicated public road shall be a 24-foot wide paved street (curb to curb) within a dedicated 40-foot right-of-way (plus slope easements, if needed). A cul-de-sac shall be constructed at the end of the Town maintained portion of Sierra Azul.
21. The construction of the subdivision improvements shall be guaranteed by contract, Faithful Performance Security, Labor and Materials Security, and insurance holding the Town harmless prior to the recordation of the Final Map.
22. Underground cable television service shall be provided to all new lots/homes.
23. A 1603 Permit shall be obtained from the department of Fish & Game for proposed improvements in or near riparian areas within their jurisdiction.
24. Horizontal and vertical controls shall be set by a licensed surveyor or a registered civil engineer for the following items:
 - a. Pad location
 - b. Finish floor elevation
 - c. Foundation corner location
 - d. Retaining wall, top-of-wall elevation, location

OWNER'S STATEMENT

WE HEREBY STATE THAT:
A. WE ARE ALL OF THE PARTIES HAVING ANY RECORD TITLE INTEREST IN THE SUBDIVIDED REAL PROPERTY SHOWN WITHIN THE DISTINCTIVE BORDER, ON THE MAP.

B. WE HEREBY CONSENT OF THE MAKING AND RECORDING OF THIS MAP.

WE HEREBY OFFER TO DEDICATE:

1. ALL STREETS AND PORTIONS THEREOF SHOWN ON THIS MAP.
2. PARCEL "A", PARCEL "B", PARCEL "C" AND PARCEL "D" FOR PUBLIC OPEN SPACE PURPOSES.

3. EASEMENTS FOR CONSTRUCTION, MAINTENANCE AND ACCESS TO ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, AND GAS, WATER, AND HEAT MAINS, AND ALL PUBLIC UTILITIES AND ALL APPURTENANCES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "P.S.E." (PUBLIC SERVICE EASEMENT). THE SAID PUBLIC SERVICE EASEMENTS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES, AND ALL LAWFUL ROOF OVERHANGS.

4. EASEMENTS FOR CONSTRUCTION, MAINTENANCE AND ACCESS TO STORM DRAINAGE, SANITARY SEWER FACILITIES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DELINEATED AND DESIGNATED AS "S.O.E." (STORM DRAINAGE EASEMENT) AND "S.S.E." (SANITARY SEWER EASEMENT) AND "S.E." (SLOPE EASEMENT) RESPECTIVELY. SAID EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, IRRIGATION SYSTEMS AND APPURTENANCES, STORM DRAINAGE AND SANITARY SEWER STRUCTURES AND APPURTENANCES.

OWNERS:

BY: Habib Siddiqui Owner
BY: Shahreen Hagnipal Owner

ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
ON THIS 18 DAY OF APRIL, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED Habib Siddiqui and Shahreen Hagnipal, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME, AS OWNERS WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires SEPT 24, 1994
NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
Choline Brewer

ENGINEER'S STATEMENT

I, PAUL E. NOWACK, HEREBY STATE THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF FOUR (4) SHEETS, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING 1990 THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR WILL BE SET BEFORE 1992 THAT SAID MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED AND THAT THEIR POSITIONS ARE CORRECTLY SHOWN.

DATED: May 10, 1991
Paul E. Nowack R.C.E. 18764
Expiration Date: 6/30/93

TOWN ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE SAID FINAL MAP OF TRACT NO. 8400 THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP THEREOF; AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, THAT SAID MAP IS TECHNICALLY CORRECT.

DATED: June 6, 1991, 1991
John P. Givlin R.C.E. 31691
Acting Town Engineer Exp. 12/31/92



STATEMENT OF THE TOWN CLERK OF THE TOWN OF LOS GATOS

IT IS ORDERED THAT THE MAP OF TRACT NO. 8400 IS HEREBY APPROVED THAT ALL STREETS, PARCELS AND EASEMENTS OFFERED FOR DEDICATION ARE HEREBY ACCEPTED FOR THE PURPOSES FOR WHICH THEY ARE OFFERED. I HEREBY STATE THAT THE FORGOING ORDER WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, STATE OF CALIFORNIA AT A MEETING HELD ON THE 18th DAY OF May, 1991.

DATED: June 6, 1991
Marion J. Campbell TOWN CLERK

RECORDER'S STATEMENT

ACCEPTED FOR RECORD AND RECORDED IN BOOK 626 OF MAPS, AT PAGES 33, 34, 35 AND 36 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA THIS 13th DAY OF June, 1991, AT 10:45 MINUTES PAST 3 O'CLOCK IN THE P.M., AT THE REQUEST OF NOWACK & ASSOCIATES, INC.

FEES: 12.00
LAURIE KANE, COUNTY RECORDER
BY: Deputy Laurie Kane

SOILS REPORT:

A SOILS AND GEOLOGIC INVESTIGATION WAS PREPARED FOR THIS TRACT BY TERRASEARCH, INC. DATED SEPTEMBER 12, 1990, PROJECT NO. 5996.

TRACT NO. 8400
SANTA ROSA HEIGHTS
CONSISTING OF FOUR (4) SHEETS
BEING A PORTION OF THE WEST ONE-HALF OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND THE
TOWN OF LOS GATOS, CALIFORNIA

NOWACK AND ASSOCIATES, INC.
CIVIL ENGINEERS/PLANNERS
2175 PARK AVENUE
SANTA CLARA, CALIFORNIA
SHEET 1 OF 4 SHEETS

EXHIBIT 4

RESUBDIVISION OF TRACT NO. 6309
ALTA VISTA UNIT NO. 1

RECORD OF SURVEY
BK 160 MAPS AT PG. 54

LANDS OF
W E I N A N

SCALE: 1"=80'

LANDS OF
W E I N A N

LANDS OF
W E I N A N

626
33-36

PARCEL 'C'
7.16 ± AC.

ROSA DRIVE
60' R/W AND
SLOPE EASEMENT

13
2.15 ± AC.

14
2.04 ± AC.

12
2.07 ± AC.

15
2.15 ± AC.

PARCEL 'B'
6.56 ± AC.

SHANNON ROAD
SEE DETAIL SHEET NO. 4

NOTES AND LEGEND

- All distances and dimensions are shown in feet and decimals thereof.
- Indicates the boundary of land subdivided by this map.
- Indicates Found County Standard Monument w/ Brass Disc.
- Indicates Found 3/4" Iron Pipe, unless otherwise noted.
- Indicates 2 1/4" Hub, unless otherwise noted.
- Indicates 3/4" Iron Pipe, (R.C.E. 18764).
- S.S.E. SANITARY SEWER EASEMENT
- S.D.E. STORM DRAINAGE EASEMENT
- P.S.E. PUBLIC SERVICE EASEMENT
- S.E. SLOPE EASEMENT
- Indicates County Standard Monument to be set

BASIS OF BEARINGS

The bearing N. 0° 14' 05" W. of the Western Boundary Line of the 1/4-SECTION OF TRACT NO. 6309 - ALTA VISTA UNIT NO. 1, recorded in Book 436 of Maps of pages 22 thru 31, Santa Clara County Records and, was taken as the basis of bearings for this map.

REFERENCES

- 1 BK 556 OF DEEDS PAGE 403
- 2 RECORD OF SURVEY BK 160 MAPS PG. 54
- 3 RECORD OF SURVEY BK 422 MAPS PGS 59-46
- 4 TRACT MAP NO. 6309 BK 436 MAPS PGS 22-31
- 5 TRACT MAP NO. 6582 BK 436 MAPS PGS 32-35

TRACT NO. 8400
SANTA ROSA HEIGHTS
CONSISTING OF FOUR(4) SHEETS
BEING A PORTION OF THE WEST ONE-HALF OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN
TOWN OF LOS GATOS, CALIFORNIA

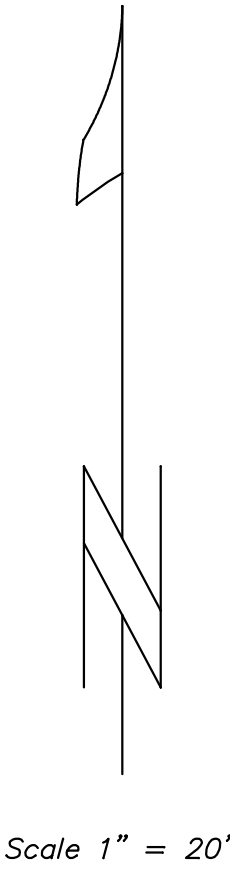
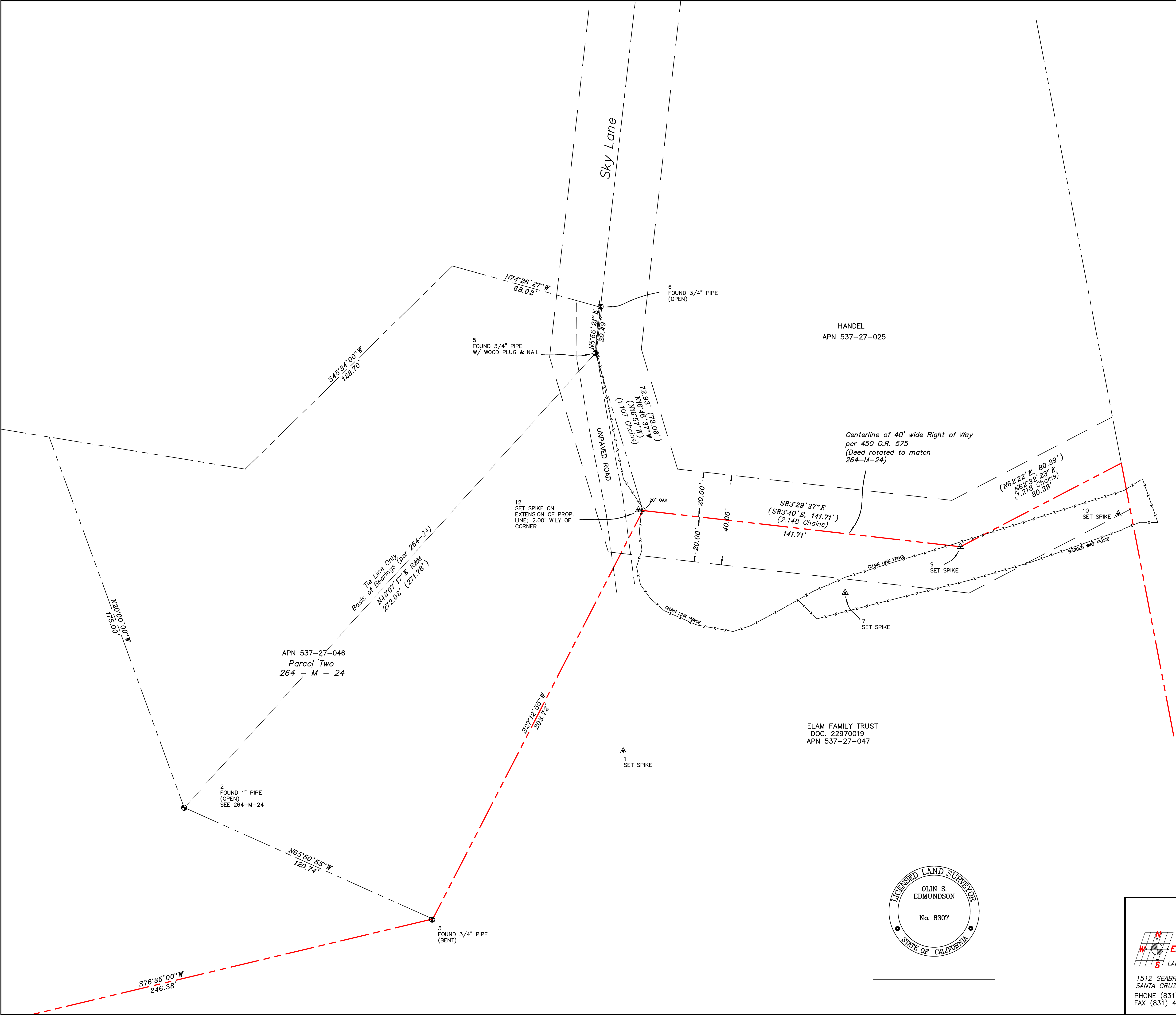


NOWACK AND ASSOCIATES, INC.
CIVIL ENGINEERS / PLANNERS
2175 PARK AVENUE
SANTA CLARA, CALIFORNIA, 95050

SHEET 3 OF 4 SHEETS

626
33-36

35



LEGEND

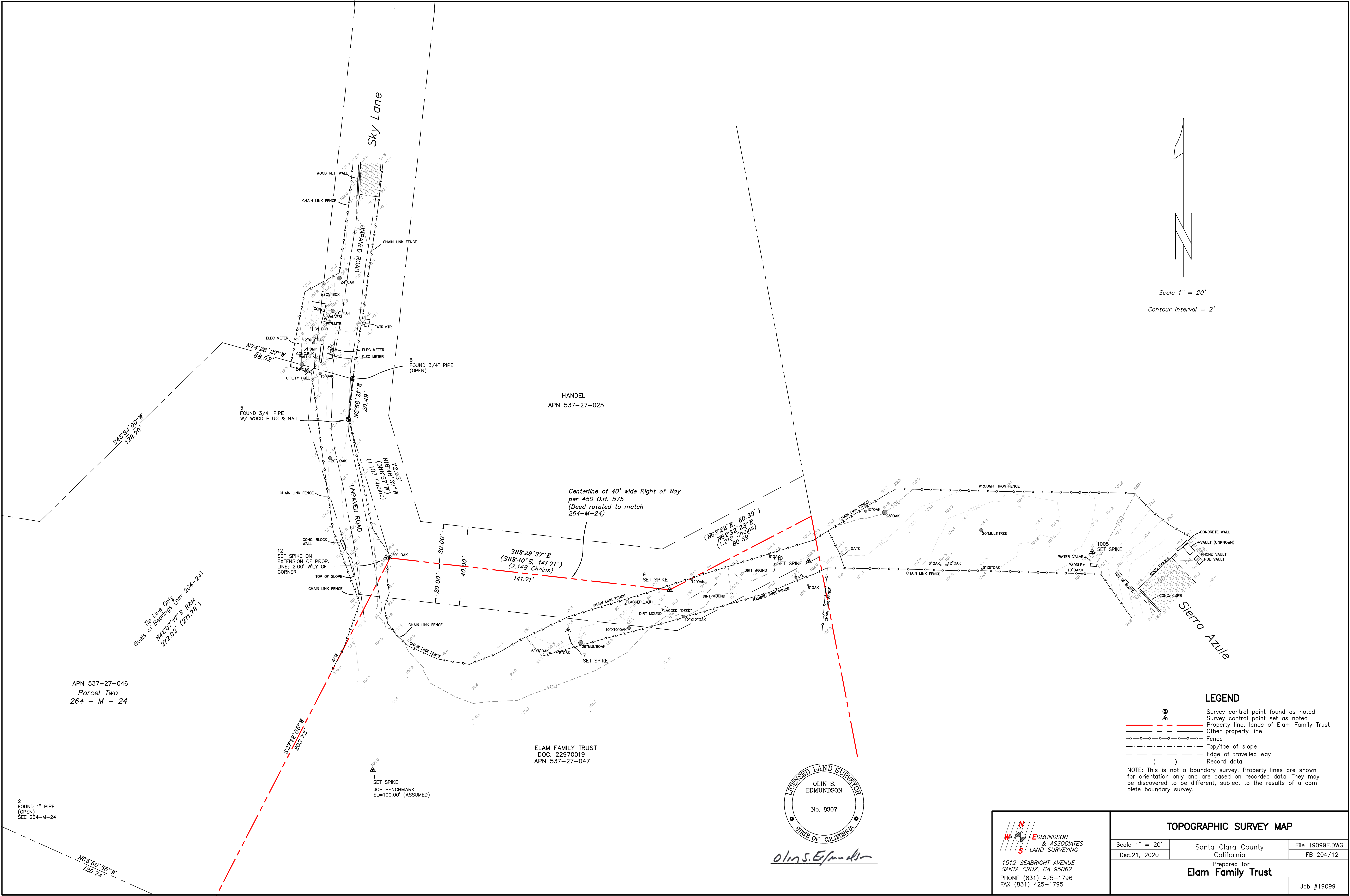
- Survey control point found as noted
- Survey control point set as noted
- Property line, lands of Elam Family Trust
- Other property line
- Center of Right of Way
- Edge of Right of Way
- Fence
- Tie line
- Edge of travelled way
- Record data

NOTE: This is not a boundary survey. Property lines are shown for orientation only and are based on recorded data. They may be discovered to be different, subject to the results of a complete boundary survey.



LICENSED SURVEYOR'S MAP OF COMMON PROPERTY LINE BETWEEN ASSESSOR'S PARCEL NOS. 537-27-47 & 537-27-025 ALSO BEING THE CENTERLINE OF A 40' RIGHT OF WAY DESCRIBED IN VOLUME 450 OFFICIAL RECORDS AT PAGE 575		
Scale 1" = 20' October 18, 2019	Santa Cruz County California	File 19099B.DWG FB 204/12
Prepared for Elam Family Trust		
		Job #19099

EDMUNDSON & ASSOCIATES
LAND SURVEYING
1512 SEABRIGHT AVENUE
SANTA CRUZ, CA 95062
PHONE (831) 425-1796
FAX (831) 425-1795



Scale 1" = 20'

Contour Interval = 2'

LEGEND

- Survey control point found as noted
- Survey control point set as noted
- Property line, lands of Elam Family Trust
- Other property line
- Fence
- Top/toe of slope
- Edge of travelled way
- Record data

NOTE: This is not a boundary survey. Property lines are shown for orientation only and are based on recorded data. They may be discovered to be different, subject to the results of a complete boundary survey.

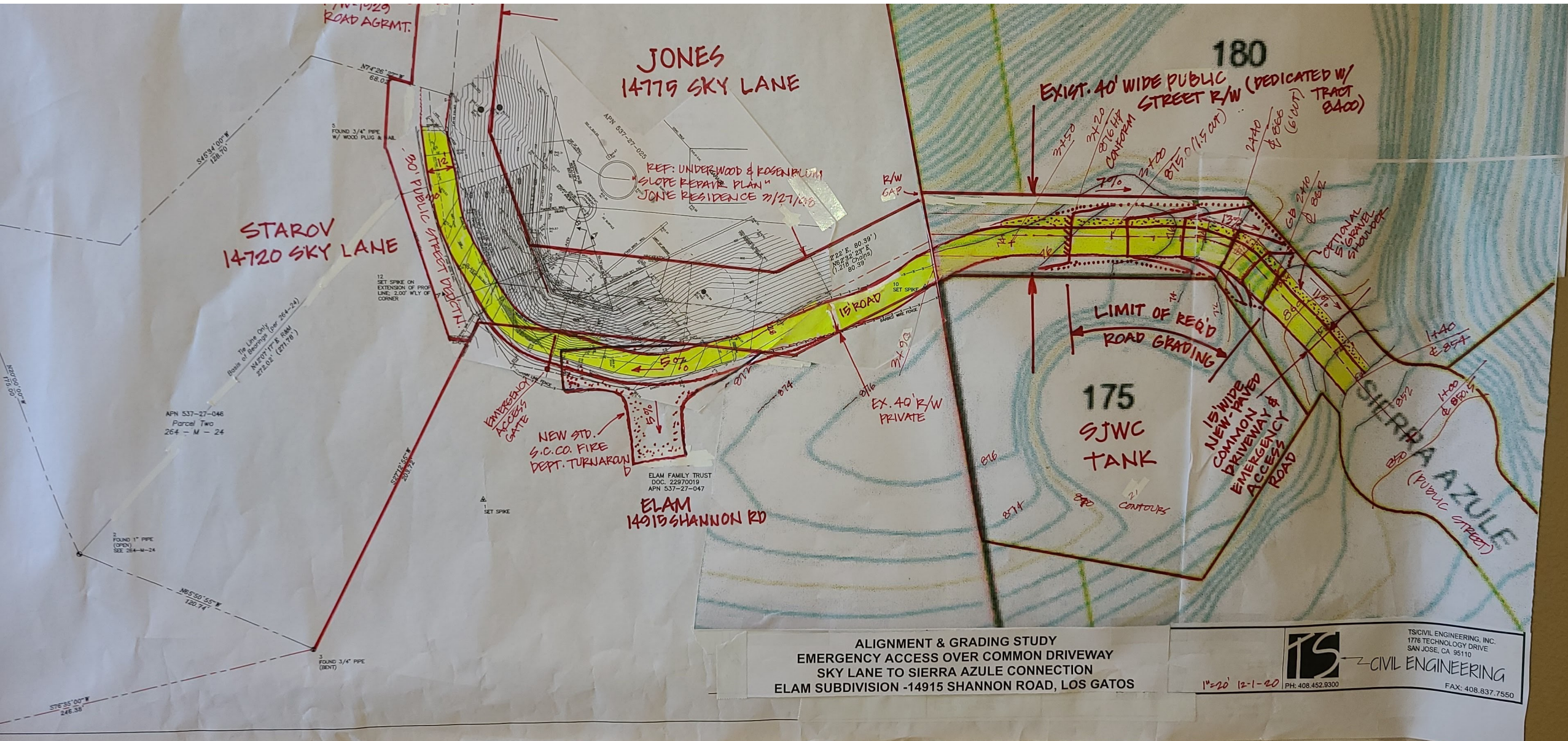


Olin S. Edmundson

EDMUNDSON & ASSOCIATES
LAND SURVEYING
1512 SEABRIGHT AVENUE
SANTA CRUZ, CA 95062
PHONE (831) 425-1796
FAX (831) 425-1795

TOPOGRAPHIC SURVEY MAP

Scale 1" = 20'	Santa Clara County California	File 19099F.DWG FB 204/12
Dec.21, 2020	Prepared for Elam Family Trust	Job #19099



ALIGNMENT & GRADING STUDY
EMERGENCY ACCESS OVER COMMON DRIVEWAY
SKY LANE TO SIERRA AZULE CONNECTION
ELAM SUBDIVISION -14915 SHANNON ROAD, LOS GATOS

TS CIVIL ENGINEERING
TS/CIVIL ENGINEERING, INC.
1778 TECHNOLOGY DRIVE
SAN JOSE, CA 95110
PH: 408.452.9300
FAX: 408.837.7550