

**Table 1**  
**Response to Comment Letter PLN24-048 dated April 10, 2024 (1)**  
**Chemeketa Park Water Storage and Drought Review Project (Lower Tank Site)**  
Chemeketa Park Mutual Water Company

Comment No.	Agency	Comment	Response
1	Planning Office	Revise the site plan to accurately show the property lines and boundaries, right-of-way (ROW), and the centerline of Old Santa Cruz Highway as shown from the Assessor's Parcel Number (APN) Map and in the recorded deed. Sheet C2 does not clearly delineate nor identify the property boundaries, any ROWs, and/or centerline of Old Santa Cruz Highway. Please note County Roads and Airports have a similar comment in #12.	Sheet C2 has been updated to properly reflect the property lines.
2	Planning Office	Clarify on the site plan if the retaining wall is within the edge of the ROW of Old Santa Cruz Highway or if it is within the property boundaries.	The retaining wall does not encroach onto the Old Santa Cruz Highway ROW. See Detail 1 on Sheet C4.
3	Planning Office	Identify on a site plan the "existing pump station" that is mentioned in the project description for the lower tank.	Additional labeling and callouts have been added to Sheet C3.
4	Planning Office	Provide an overall site plan ("birds-eye view") that show the two sites (lower and upper tanks) on one map. Identify all roads and any key elements that staff should be aware.	Please refer to new Sheet C1A.
5	Planning Office	Revise the grading quantities table on Sheet C4 to identify the cut and fill in the format provided on the comment letter.	Please see updated tables included with Detail 1 on Sheet C4 and Detail 3 on Sheet C4. The revised tables are an abridged version of the tables provided on the comment letter due to constraints on space available on the page. The "Overexcavation" quantity is the amount of soil that is being excavated within the proposed tank footprint.
6	Planning Office	Make sure the grading quantities table incorporate all the grading working including any retaining wall, grading required for piping, and/or driveway or access road improvements. Sheet C4 show two grading quantities tables (one for the "Lower Tank Site Plan" and another for the "Lower Tank – Retaining Wall Section," which should be combined into one grading quantities table.	Please see updated tables included with Detail 1 on Sheet C4 and Detail 3 on Sheet C4.
7	Planning Office	Clarify if there will be piping connecting the lower tank and the upper tank and any connection between the two sites. The project description for PLN24-049 indicated the 88-gallon tank "will be operational and provide emergency water through an existing pump station," which implies there is connection between the lower and upper tanks. Additionally, C15 and the project description of PLN24-049 identify a "new 10-inch PVC pipe for water distribution." Clarify if the new 10-inch pipe will be connected to the lower tank or residences throughout the community and whether the new piping will be along the road. Note that if new piping is installed, the grading quantities will need to include the amount of the piping work. Staff needs to have a clear understanding if there is existing and/or new piping that will be connecting the upper and lower tanks.	The pipeline that conveys treated water from the existing pump station to the Upper Tank Site currently exist and no modifications are included in the Project scope. The pipeline required to convey treated water between the existing treatment plant and the Lower Tank Site currently exists and no modifications are included in the Project scope.
8	Planning Office	Provide an elevation and identify the materials and color of any current/proposed retaining walls associated for the water tank.	Representative photos have been included with Detail 3 on Sheet C4.
9	Planning Office	Provide a landscaping plan to screen the retaining walls as the majority are over 5 feet in height and is potentially visible from a County scenic road (Old Santa Cruz Highway).	Please refer to new Sheet C6A.

**Table 1**  
**Response to Comment Letter PLN24-048 dated April 10, 2024 (1)**  
**Chemeketa Park Water Storage and Drought Review Project (Lower Tank Site)**  
Chemeketa Park Mutual Water Company

Comment No.	Agency	Comment	Response
10	Planning Office	Identify any trees proposed for removal on the parcel or is impacted by the project. Also identify any trees proposed for removal due to off-site improvements (if any). If there are trees proposed for removal, identify the type, size, and health of the tree. Provide a tree protection plan and tree replacement plan as applicable.	No trees will be removed as part of the Project scope.
11	Planning Office	The project is subject to the early notification and outreach policy for a use permit. Signage at the site of the project and 300 ft. mailing notification to surrounding properties are required. Attached is the signage that is required to be posted at the project site for PLN24-048. A list of signage vendors (sign companies) is also included for your reference. The applicant is required to provide a photo within the 30-day time frame confirming the on-site signage has been satisfied.	Applicant will provide a photo of the on-site signage as a separate submittal.
12	Land Development Engineering	Please provide a revised table of the estimated earthwork quantities on the cover sheet of the plans. The quantities should include any quantities of imported rock for the areas surrounding the tanks.	The requested earthwork quantity table is provided on Sheet C1. Is the location acceptable?
13	Land Development Engineering	Please clearly show the limits of the disturbed area as a result of the proposed development with a darkened line.	An additional dashed line indicating "Approximate Limits of Land Disturbance" has been added to Detail 1 on Sheet C4.
14	Land Development Engineering	Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of the preliminary title report, prepared within the current ownership of the property, with a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report.	A preliminary title report has been included as Attachment 1 to the response to comments.
15	Department of Environmental Health	Clarify/ Identify the structure under matrix coordinates G 24, 25 and 27 located on page C3. Plan set identifies the structures as 'covered area'. Are these enclosed 'covered areas' with plumbing fixtures?	Additional labeling and callouts have been added to Sheet C3. There are not any plumbing fixtures within any treatment plant and pump station structures.
16	Department of Environmental Health	On revised site grading and drainage plans, locate and show any existing onsite wastewater treatment systems within 100 feet of any wells and/ or to the proposed tank locations. If none exists, on revised site grading and drainage plan, show 100-foot set back from the aforementioned.	Per email correspondance between Jeffrey Tarantino (Freyer & Laureta, Inc.) and Darrin Lee included as Attachment 2 to the response to comments, separate exhibits presenting the nearest septic system that is more than 100 feet from the Lower Tank Site are acceptable and no changes to the drawings are required.
17	County Fire Marshal's Office	Provide a response letter addressing comments below. Clarify what sheet comments are addressed. More comments may be made when more information is supplied.	Response matrix is provided as requested.
18	County Fire Marshal's Office	Clarify on plans the existing (E) water amount in gallons that provides fire suppression and what the new (N) water amount in gallons providing fire suppression will be.	Fire water storage for CPMWC is 91,000 gallons, which is provided as part of the total 160,000 gallons of storage at the existing Upper Tanks. No changes to the fire water storage will result from completion of the Project.
19	County Fire Marshal's Office	Previous meetings had proposed adding a direct connect for fire apparatus at a tank. Is this still proposed, if so, what tank is this proposed?	A wharf hydrant will be installed outside of the existing Lower Tank site as shown on Detail 4 on Sheet C4.
20	Roads and Airports	For both Old Santa Cruz Hwy and Ogallala Warpath Rd, show and indicate the existing limits of the County right-of-way (ROW), the existing ROW centerline, roadway centerline, and edge of pavement.	Sheet C2 has been updated to properly reflect the property lines.
21	Roads and Airports	For both Old Santa Cruz Hwy and Ogallala Warpath Rd, include road names and indicate that each road is a County Maintained Road.	All sheets have been update to include the road names including indicating which roads are County Maintained.

**Table 1**  
**Response to Comment Letter PLN24-048 dated April 10, 2024 (1)**  
**Chemeketa Park Water Storage and Drought Review Project (Lower Tank Site)**  
Chemeketa Park Mutual Water Company

Comment No.	Agency	Comment	Response
22	Roads and Airports	Improvement plans must clearly indicate existing and proposed site conditions within the ROW, including but not limited to, above and below ground utility lines, easements, drainage facilities, trees, landscaping, and other structures and features. All utility relocations, replacements, abandonments, temporary facilities, and new facilities shall be shown.	Detail 1 on Sheet C4 includes additional information to indicate work that is within private property and work that is within County ROW.
23	Roads and Airports	Driveway accessing the property will be required to be improved to County Standard B/4, and the revised plans should indicate as such.	The necessary improvements for the driveway are shown on Detail 1 on Sheet C4 and Detail 2 on Sheet C6. The proposed improvements were approved with conditions by Roads and Airports per the email correspondence between Jeffrey Tarantino (Freyer & Laureta, Inc.) and Tom Esch (Roads and Airports) included as Attachment 3 to the response to comments. The additional labeling identified in Mr. Esch's email is included on Detail 1 on Sheet C4.
24	Roads and Airports	Include County Standard details on the plan sets. While not required during the planning review process, driveway and frontage details with dimensions and specifics will be required during the encroachment permit process, in sufficient detail to fully demonstrate application of the County standards that will apply to the driveway, driveway gates, frontage and drainage to be constructed (i.e., not only referencing the County details).	The comment has been addressed per the email correspondence between Jeffrey Tarantino (Freyer & Laureta, Inc.) and Tom Esch (Roads and Airports) included as Attachment 3 to the response to comments.
25	Roads and Airports	Demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal to or less than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.	As noted on Detail 1 on Sheet C4, only 1,125 square feet of new, impervious area is being created as part of the Project. From the Grading & Drainage website ( <a href="https://plandev.sccgov.org/how/build-or-improve-property/grading-drainage">https://plandev.sccgov.org/how/build-or-improve-property/grading-drainage</a> ), only projects creating 2,000 square feet of net new improvements are required to obtain a drainage permit. We believe that no further action is required to address Comment No. 25.
26	Roads and Airports	Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County maintained road ROW. Gates shall be located 30 feet from edge of pavement. Indicate on plans the intent of any existing or future items in the ROW.	No private improvements are proposed within the ROW.
27	Roads and Airports	Clearly identify any retaining walls to be constructed at left side of driveway entrance. Identify proximity to ROW and edge of pavement. Attempt to move retaining wall outside of the ROW or at least maximize clearance from roadway shoulder.	Please see updated retaining wall alignment shown on Detail 1 on Sheet C4 and Detail 4 on Sheet C4. Improvements are outside of the ROW on private property.
28	Roads and Airports	Identify proximity of rocks and sign to edge of pavement. If remaining, a maintenance and indemnification agreement for these objects will be required.	Dimension to rocks and signage is now included on Detail 4 on Sheet C4.

**Table 1**  
**Response to Comment Letter PLN24-048 dated April 10, 2024 (1)**  
**Chemeketa Park Water Storage and Drought Review Project (Lower Tank Site)**  
Chemeketa Park Mutual Water Company

Comment No.	Agency	Comment	Response
29	Roads and Airports	Identify on plans any trees or shrubs to be trimmed or removed, or any objects or fences to be relocated, in accordance with County Ordinances B17-68 and B17-69, within the lines of a triangle which has sides 20 feet from the point of intersection of the curblane/edge of pavement and the driveway.	The Project does include tree removal or trimming nor are any other objects or improvements proposed to be located within the ROW.

**Notes**

(1) The comment letter included comments from the State Water Resources Control Board as Comment 30 through Comment 34. As discussed between Jeffrey Tarantino (Freyer & Laureta, Inc.) and Lara Tran (Planning Office), the State Board comments are being provided for reference only. CPMWC is aware of the State Board comments and will be addressing as part of separate submittal directly to the State Board. CPMWC is not required to address the State Board comments as part of the ASA process.

**ATTACHMENT 1**  
**PRELIMINARY TITLE REPORT**

## EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

### PARCEL ONE:

Beginning at a 2" iron pipe standing at the 1/4 Section corner for Sections 8 and 9, T. 9 S., R. 1 W., M.D.M., thence along the line dividing said Sections 8 and 9, North 142.20 feet to an iron pipe in the old Santa Cruz Turnpike; thence N. 69° 00' W. 227.24 feet to a 1/2" iron pipe in said Santa Cruz Turnpike, said last mentioned pipe being the true point of beginning of the Parcel of land herein described; thence from said true point of beginning, N. 5° 00' W. 115 feet, more or less, to the center line of the Old Los Gatos and Santa Cruz Highway as conveyed by Santa Cruz Mountains and Los Gatos Realty Company to the County of Santa Clara, by Deed dated July 22, 1914, recorded August 27, 1914 in Book 422 of Deeds, Page 17; thence Westerly, Southerly and Easterly along said center line to the point of intersection thereof with a line extending on a course of S. 5° 00' E. from said true point of beginning; thence N. 5° 00' W. 115 feet, more or less, to the said true point of beginning, being a portion of Lots, 253, 254, 255, 256 and 257 as shown on the Map of Idylwild, filed September 7, 1909 in Book "M" of Maps, Page 73, Santa Clara County Records.

EXCEPTING THEREFROM all that portion as conveyed in the Deed to Earl a. La Porte, et ux, recorded September 10, 1959, Book 4540 Official Records, Page 68, described as follows:

Beginning at a point in the center line of the Old Los Gatos and Santa Cruz Highway as conveyed to the County of Santa Clara, State of California, by Deed recorded August 27, 1914, Book 422 of Deeds, Page 17, said point of beginning being distant South-Westerly along the curved center line of said Highway, a distance of 400.00 feet from the Northeasterly corner of that certain Parcel of land conveyed to Glenn S. Leedom, et ux, by Deed recorded August 23, 1945, Book 1294 Official Records, Page 9; thence along said curved center line of said Highway, Southwesterly and Southeasterly 300.0 feet, more or less, to a point therein that is distant, Westerly along said center line, a distance of 400.0 feet from the Southeasterly corner of said lands so conveyed to Leedom; thence in a direct line, Northerly, 175.0 feet, more or less, to the point of beginning, being a portion of said lands so conveyed to Leedom, situate in a portion of Lots 255 and 256, as said Lots are shown on the Map of Idylwild, filed September 7, 1909, Book "M" of Maps, Page 73, Santa Clara County Records.

### PARCEL TWO:

A non-exclusive right of way for ingress and egress over and along the existing roadway, as reserved in the Deed from Glenn S. Leedom, et ux, recorded September 10, 1959, Book 4540 Official Records, Page 68.

NOTE: Parcel Two herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response.

APN. 558-13-014



**OLD REPUBLIC**  
TITLE COMPANY

10020 N. DeAnza Blvd., Ste. 101  
Cupertino, CA 95014  
(408) 255-5880 Fax: (408) 255-8733

## PRELIMINARY REPORT

### FIRST AMENDED REPORT

11321 PATTERSON DRIVE  
CLEAR LAKE, CA 95422

Our Order Number 0619012321-LB

Attention: BILL KINAMAN

When Replying Please Contact:

Buyer:

CHEMEKETA PARK MUTUAL WATER COMPANY,  
A CALIFORNIA CORPORATION

Linda Bentson  
lbentson@ortc.com  
(408) 255-5880

Property Address:

Vacant Land known as APN: 558-13-014, Los Gatos, CA  
[Unincorporated area of Santa Clara County]

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of May 23, 2011, at 7:30 AM

**OLD REPUBLIC TITLE COMPANY**  
For Exceptions Shown or Referred to, See Attached



OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee as to Parcel(s) 1 and an Easement as to Parcel(s) 2

Title to said estate or interest at the date hereof is vested in:

Mary Belle Kinaman, Trustee of the Kinaman Family Trust, dated March 11, 1996

The land referred to in this Report is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

PARCEL ONE:

Beginning at a 2" iron pipe standing at the 1/4 Section corner for Sections 8 and 9, T. 9 S., R. 1 W., M.D.M., thence along the line dividing said Sections 8 and 9, North 142.20 feet to an iron pipe in the old Santa Cruz Turnpike; thence N. 69° 00' W. 227.24 feet to a ½" iron pipe in said Santa Cruz Turnpike, said last mentioned pipe being the true point of beginning of the Parcel of land herein described; thence from said true point of beginning, N. 5° 00' W. 115 feet, more or less, to the center line of the Old Los Gatos and Santa Cruz Highway as conveyed by Santa Cruz Mountains and Los Gatos Realty Company to the County of Santa Clara, by Deed dated July 22, 1914, recorded August 27, 1914 in [Book 422 of Deeds, Page 17](#); thence Westerly, Southerly and Easterly along said center line to the point of intersection thereof with a line extending on a course of S. 5° 00' E. from said true point of beginning; thence N. 5° 00' W. 115 feet, more or less, to the said true point of beginning, being a portion of Lots, 253, 254, 255, 256 and 257 as shown on the Map of Idylwild, filed September 7, 1909 in [Book "M" of Maps, Page 73](#), Santa Clara County Records.

EXCEPTING THEREFROM all that portion as conveyed in the Deed to Earl a. La Porte, et ux, recorded September 10, 1959, [Book 4540 Official Records, Page 68](#), described as follows:

Beginning at a point in the center line of the Old Los Gatos and Santa Cruz Highway as conveyed to the County of Santa Clara, State of California, by Deed recorded August 27, 1914, Book 422 of Deeds, Page 17, said point of beginning being distant South-Westerly along the curved center line of said Highway, a distance of 400.00 feet from the Northeasterly corner of that certain Parcel of land conveyed to Glenn S. Leedom, et ux, by Deed recorded August 23, 1945, [Book 1294 Official Records, Page 9](#); thence along said curved center line of said Highway, Southwesterly and Southeasterly 300.0 feet, more or less, to a point therein that is distant, Westerly along said center line, a distance of 400.0 feet from the Southeasterly corner of said lands so conveyed to Leedom; thence in a direct line, Northerly, 175.0 feet, more or less, to the point of beginning, being a portion of said lands so conveyed to Leedom, situate in a portion of Lots 255 and 256, as said Lots are shown on the Map of Idylwild, filed September 7, 1909, Book "M" of Maps, Page 73, Santa Clara County Records.

PARCEL TWO:

A non-exclusive right of way for ingress and egress over and along the existing roadway, as reserved in the Deed from Glenn S. Leedom, et ux, recorded September 10, 1959, [Book 4540 Official Records, Page 68](#).

OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

NOTE: Parcel Two herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response.

APN. 558-13-014

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2011 - 2012, a lien, but not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

PAID CURRENT TO THE DATE OF THIS POLICY

3. Any special tax which is now a lien and that may be levied within the Santa Clara County Library District, notice(s) for which having been recorded.

NOTE: Among other things, there are provisions in said notice(s) for a special tax to be levied annually, the amounts of which are to be added to and collected with the property taxes.

NOTE: The current annual amount levied against this land is \$4.98.

NOTE: Further information on said assessment or special tax can be obtained by contacting:

Name : Fiscal Agent of the Santa Clara County Library District, Joint Powers Authority  
Address : 14600 Winchester Blvd., Los Gatos, CA 95032  
Telephone No. : (408) 293-2326, Ext. 3004

OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

4. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of Old Los Gatos and Santa Cruz Highway.

5. Waiver of any claims for damages by reason of Highway, as provided in the Deed;

From : Santa Cruz Lts. and Los Gatos Re. Co.  
To : County of Santa Clara  
Recorded : [August 27, 1914 in Book 422 of Official Records, Page 17](#)

6. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : Pacific Gas and Electric Co.  
For : Public utilities  
Recorded : [September 28, 1926 in Book 271 of Official Records, Page 213](#)  
Affects : As described therein

7. Agreement for : a perepetual use of a bridge and roadway as a public right of way  
Executed By : Herbert Stockton  
and Between : Violed M. Orr, formerly Violet M. Baloonb

On the terms, covenants and conditions contained therein,

Recorded : [October 7, 1926 in Book 274 of Official Records, Page 100](#)

Note: Reference is made to said instrument for full particulars.

8. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Easement  
Granted To : Helen W. Hawkins  
For : construction and maintenance of a pipe, said right of way  
Recorded : [April 25, 1939 in Book 925 of Official Records, Page 486](#)  
Affects : The exact location is undeterminable

OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

9. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Joint Tenancy Deed  
Reserved By : Helen Hawkins  
For : to lay and maintain water pipes and/or service pipes  
Recorded : [in Book 1294 of Official Records, Page 9](#)  
Affects : Said lands

NOTE: The present ownership of said easement and other matters affecting the interests thereto, if any, are not shown herein

Said easement is blanket in nature and cannot be located of record.

10. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Grant Deed Joint Tenancy  
Granted To : Bradford Miller and Enriquota Miller  
For : Pipe line  
Recorded : [January 29, 1951 in Book 2141 of Official Records, Page 548 under Recorder's Serial Number 694028](#)  
Affects : Said lands

NOTE: The present ownership of said easement and other matters affecting the interests thereto, if any, are not shown herein

11. Terms and provisions as contained in an instrument,

Entitled : Grant Deed Joint Tenancy  
Executed By : Bradford Miller and Enriquota Miller  
Recorded : [January 29, 1951 in Book 2141 of Official Records, Page 548 under Recorder's Serial Number 694028](#)

Note: Reference is made to said instrument for full particulars.

OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

12. NOTE: Parcel Two herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response.

----- Informational Notes -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.1 & 2.1.
- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and said land is unimproved. Said vacant land is known as: Vacant Land known as APN: 558-13-014, Los Gatos, CA

The ALTA loan policy, when issued, will contain the CLTA Modified 100 (TIM-52) and Modified 116 (TIM-58) endorsements. The referenced modifications to both endorsements delete only non-applicable coverage relating to improvements located upon said land.

Unless shown elsewhere in the body of this report, there appears of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

OLD REPUBLIC TITLE COMPANY  
ORDER NO. 0619012321-LB  
FIRST AMENDED REPORT

C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled : Trust Transfer Deed  
By/From : Mary B. Patel, an unmarried woman  
To : Mary Belle Kinaman, Trustee of the Kinaman Family Trust, dated  
March 11, 1996  
Dated : March 11, 1996  
Recorded : [April 10, 1996 in Book 280 of Official Records, Page 1762 under Recorder's Serial Number 0013253012](#)

O.N.

If you anticipate having funds wired to Old Republic Title Company, our wiring information is as follows: Comerica Bank, 275 Battery Street, San Francisco CA 94111, credit to the account of: Old Republic Title Company Account Number 1892529965, ABA Number 121137522.

When instructing the financial institution to wire funds, it is very important that you reference Old Republic Title's Escrow Number 0619012321.

Note: Automated Clearing House (ACH) transfers are not accepted in lieu of wired funds, except when received from a governmental agency.

Funds deposited directly into an account of Old Republic Title Company at a Comerica Bank branch are subject to verification and may cause a delay in closing.

Should you have any questions in this regard, please contact your Escrow or Title Officer immediately.

**CALIFORNIA LAND TITLE ASSOCIATION  
STANDARD COVERAGE POLICY - 1990  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-  
  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;.
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION  
LOAN POLICY OF TITLE INSURANCE - 2006  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

**EXCEPTIONS FROM COVERAGE – SCHEDULE B, PART 1, SECTION ONE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.



## **Old Republic Title Company**

### **Privacy Policy Notice**

#### **PURPOSE OF THIS NOTICE**

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title Company

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from [our affiliates or] others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

## **Disclosure to Consumer of Available Discounts**

Section 2355.3 in Title 10 of the California Code of Regulation necessitates that Old Republic Title Company provide a disclosure of each discount available under the rates that it, or its underwriter Old Republic National Title Insurance Company, have filed with the California Department of Insurance that are applicable to transactions involving property improved with a one to four family residential dwelling.

You may be entitled to a discount under Old Republic Title Company's escrow charges if you are an employee or retired employee of Old Republic Title Company including its subsidiary or affiliated companies or you are a member in the California Public Employees Retirement System "CalPERS" or the California State Teachers Retirement System "CalSTRS" and you are selling or purchasing your principal residence.

If you are an employee or retired employee of Old Republic National Title Insurance Company, or its subsidiary or affiliated companies, you may be entitled to a discounted title policy premium.

Please ask your escrow or title officer for the terms and conditions that apply to these discounts.

A complete copy of the Schedule of Escrow Fees and Service Fees for Old Republic Title Company and the Schedule of Fees and Charges for Old Republic National Title Insurance Company are available for your inspection at any Old Republic Title Company office.

544  
34

(18)

(37)

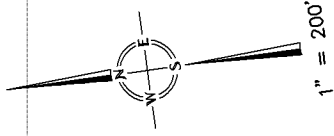
(16)

(15)

(17)

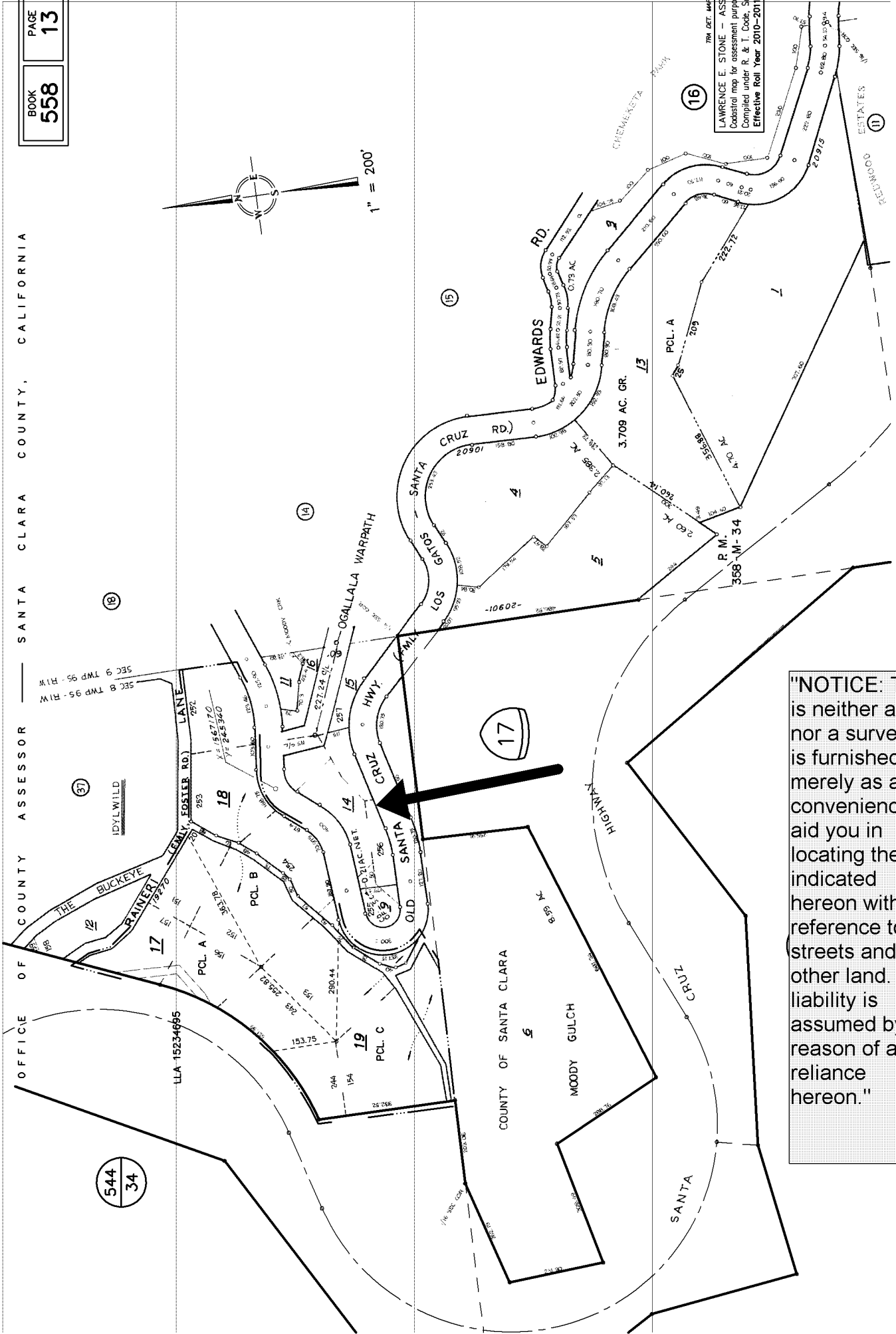
(16)

(11)



TRM DET. MAP 205  
LAWRENCE E. STONE — ASSESSOR  
Coastal map for assessment purposes only.  
Compiled under R. & T. Code, Sec. 327.  
Effective Roll Year 2010-2011

"NOTICE: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."



**ATTACHMENT 2**  
**EMAIL CORRESPONDANCE BETWEEN DARRIN LEE AND JEFFREY TARANTINO**

## Jeffrey Tarantino

---

**From:** Lee, Darrin <Darrin.Lee@deh.sccgov.org>  
**Sent:** Friday, May 17, 2024 1:08 PM  
**To:** Jeffrey Tarantino  
**Cc:** Jason Feudale  
**Subject:** RE: PLN24-048 and PLN24-049: Septic System Clearance

Hello Jeffery,

Looks good – thank you for providing a distance to the nearest septic.

Going forward when the project progresses to the building permit phase, we will be asking/ seeking septic system clearance, so the exhibit provided would be a great template/ site plan for said purposes.

Darrin D. Lee, MSEM, REHS  
Senior Environmental Health Specialist  
County of Santa Clara  
Department of Environmental Health  
Consumer Protection Division  
1555 Berger Drive., Suite 300, San Jose CA 95112-2716  
Phone (408) 918-3435  
[darrin.lee@deh.sccgov.org](mailto:darrin.lee@deh.sccgov.org)  
[www.ehinfo.org](http://www.ehinfo.org)

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

---

**From:** Jeffrey Tarantino <tarantino@freylaureta.com>  
**Sent:** Friday, May 17, 2024 12:17 PM  
**To:** Lee, Darrin <Darrin.Lee@deh.sccgov.org>  
**Cc:** Jason Feudale <feudale@freylaureta.com>  
**Subject:** [EXTERNAL] RE: PLN24-048 and PLN24-049: Septic System Clearance

Hi Darrin

I hope all is well. I am following up on my email below. Please let me know if a phone call would be beneficial.  
Thanks!

Jeff

**Jeffrey J. Tarantino, P.E.** (he/him/his)  
Executive Vice President  
(415) 534-7070, Ext. 201  
office

(650) 619-3226  
mobile





This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Attached to this email may be file(s) that are pursuant to your request. In using it, modifying it, or pulling information from it, you are responsible for the confirmation, accuracy, and checking thereof. F&L hereby disclaims any and all responsibility from any results obtained in use of these files and does not guarantee any accuracy of the information. Furthermore, this drawing is a working copy of a drawing that will comply with State laws requiring professional signature of work. These files may or may not contain all the information available on the signed, final drawing.

---

**From:** Jeffrey Tarantino  
**Sent:** Monday, May 13, 2024 11:59 AM  
**To:** Lee, Darrin <[Darrin.Lee@deh.sccgov.org](mailto:Darrin.Lee@deh.sccgov.org)>  
**Cc:** Jason Feudale <[feudale@freyerlaureta.com](mailto:feudale@freyerlaureta.com)>  
**Subject:** PLN24-048 and PLN24-049: Septic System Clearance

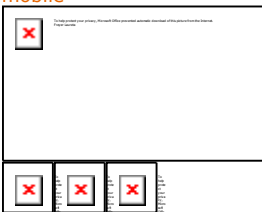
Hi Darrin

I am reaching out regarding comments from the Department of Environmental Health provided for both PLN24-048 and PLN24-049 related to providing a drawing showing separation of both project sites from the nearest septic systems. Would the attached exhibits be satisfactory as exhibits included with the written response to comments? Or do the attached exhibits need to be incorporated into the project drawings? Thanks!

Jeff

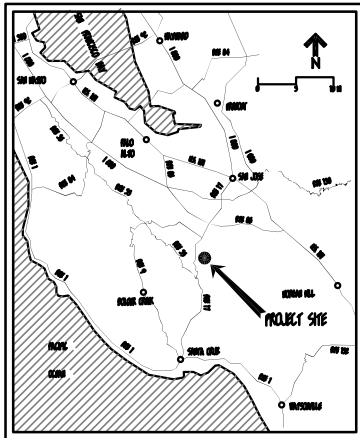
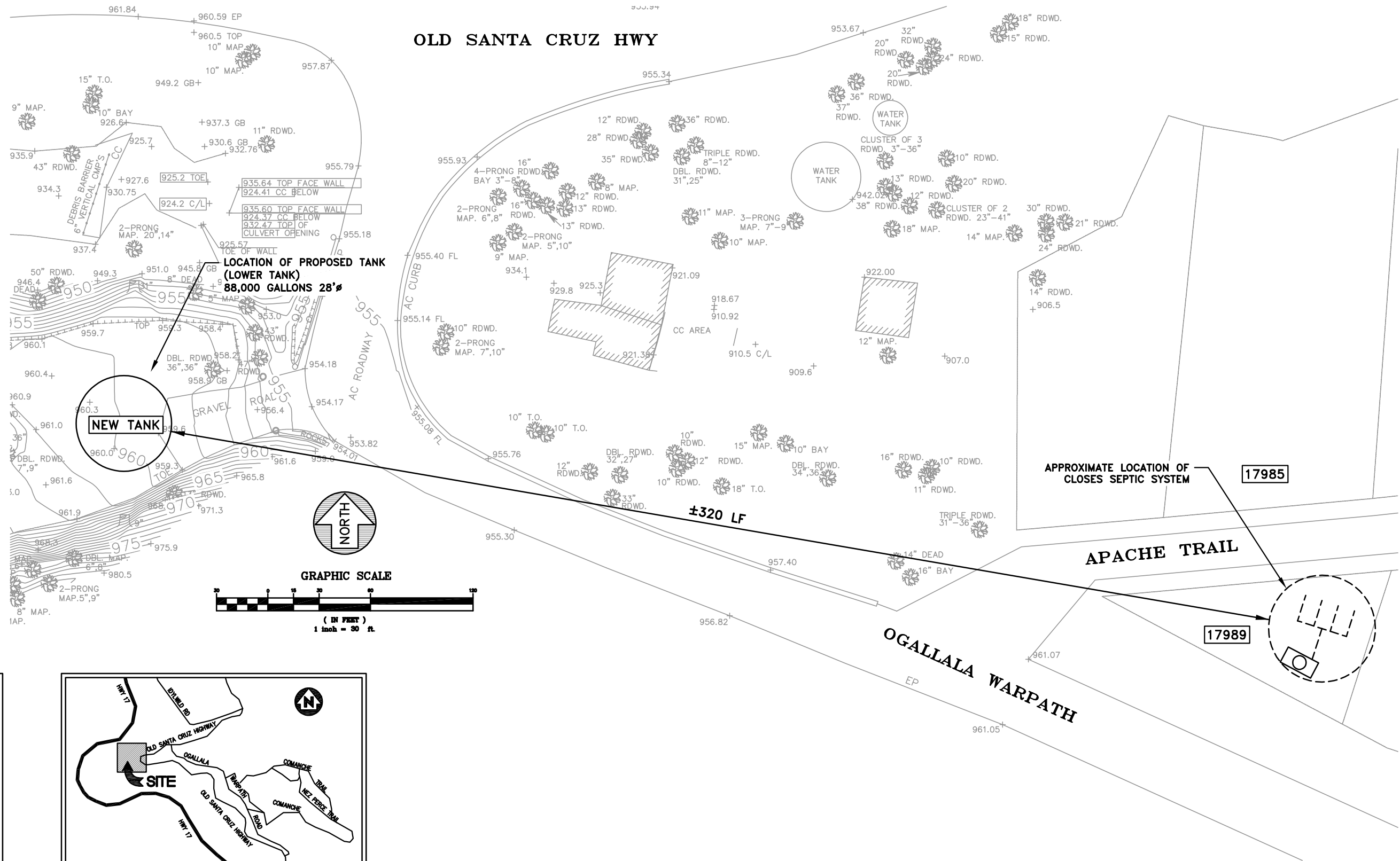
**Jeffrey J. Tarantino, P.E.** (he/him/his)  
Executive Vice President  
(415) 534-7070, Ext. 201  
office

(650) 619-3226  
mobile

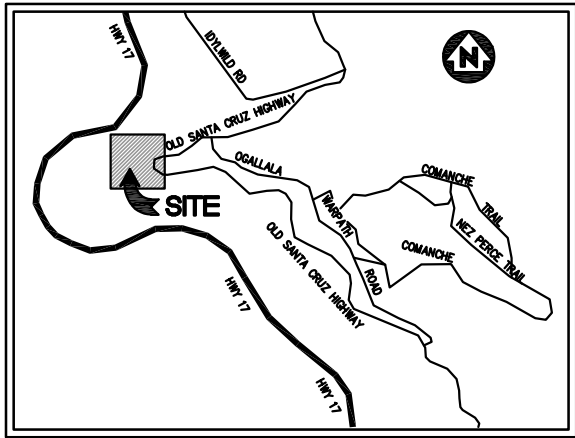


This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Attached to this email may be file(s) that are pursuant to your request. In using it, modifying it, or pulling information from it, you are responsible for the confirmation, accuracy, and checking thereof. F&L hereby disclaims any and all responsibility from any results obtained in use of these files and does not guarantee any accuracy of the information. Furthermore, this drawing is a working copy of a drawing that will comply with State laws requiring professional signature of work. These files may or may not contain all the information available on the signed, final drawing.

Z:\Projects\353 Chemeketa Park Mutual Water Company\001 Drought Relief Water Storage Capacity Expansion\Exhibit\Septic Tank Set Back\Septic Tank.dwg



VICINITY LOCATION  
NTS



LOCATION MAP  
NTS

DATE:	2/12/2024
SCALE:	AS SHOWN
DESIGNED:	JJF
DRAWN:	JJF
CHECKED:	JJF
PROJ. ENGR:	JJF

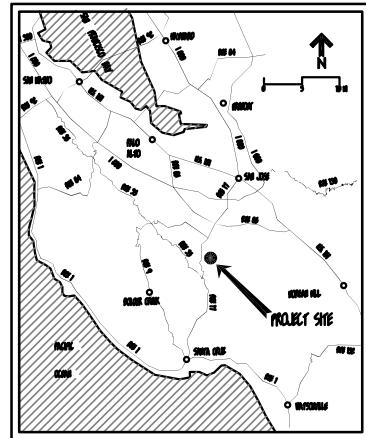
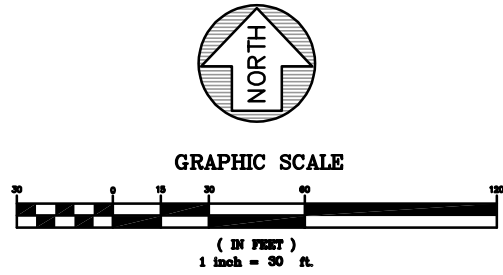
**FL FREYER & LAURETA, INC.**  
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS  
20863 Stevens Creek Blvd • Suite 400 • Cupertino, CA 95014  
(408) 516-1090 • www.freyerlaureta.com

DESCRIPTION	DATE

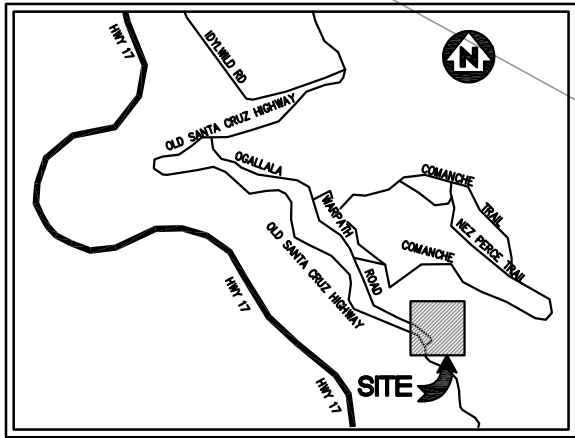
**LOWER WATER TANK  
SEPTIC SYSTEM CLEARANCE**  
CHEMEKETA PARK MUTUAL WATER COMPANY  
LOS GATOS, CALIFORNIA

SHEET 1 OF 2 SHEETS
JOB NO. ----

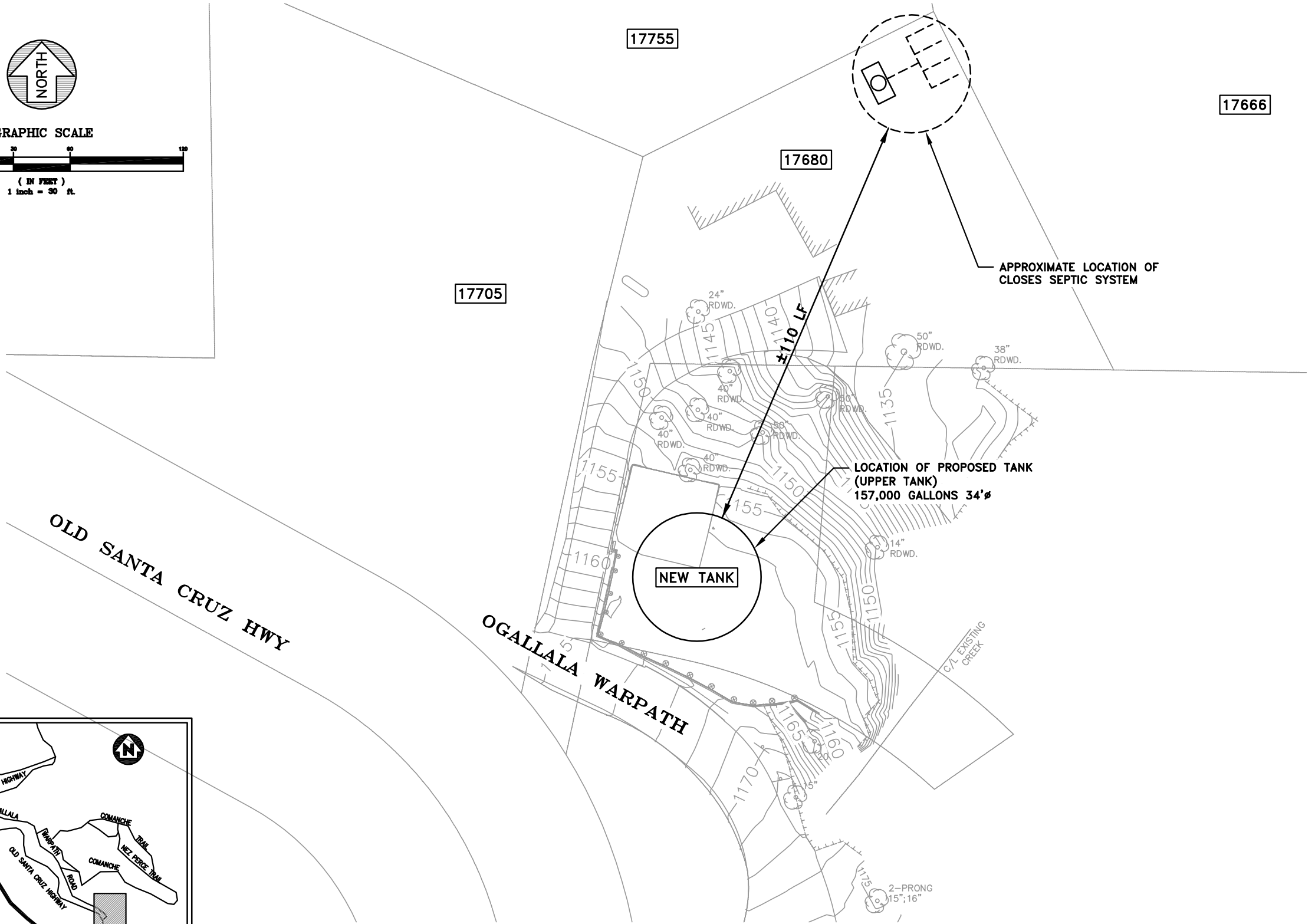
Z:\Projects\353 Chemeketa Park Mutual Water Company\001 Drought Relief Water Storage Capacity Expansion\Exhibit\Septic Tank Set Back\Septic Tank.dwg



VICINITY LOCATION  
NTS



LOCATION MAP  
NTS



DATE:	2/12/2024
SCALE:	AS SHOWN
DESIGNED:	JJF
DRAWN:	JJF
CHECKED:	JJF
PROJ. ENGR:	JJF

FL

FREYER & LAURETA, INC.

CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS

20863 Stevens Creek Blvd • Suite 400 • Cupertino, CA 95014

(408) 516-1090 • www.freyerlaureta.com

DESCRIPTION	DATE

UPPER WATER TANK  
SEPTIC SYSTEM CLEARANCE  
CHEMEKETA PARK MUTUAL WATER COMPANY  
LOS GATOS, CALIFORNIA

SHEET  
2  
OF 2 SHEETS  
JOB NO.  
----



**ATTACHMENT 3**  
**EMAIL CORRESPONDANCE BETWEEN TOM ESCH AND JEFFREY TARANTINO**

## Jeffrey Tarantino

---

**From:** Esch, Tom <tom.esch@rda.sccgov.org>  
**Sent:** Thursday, May 16, 2024 9:11 AM  
**To:** Jeffrey Tarantino  
**Subject:** FW: Modified B/4 Driveway for Water Tank Access only -- : PLN24-048 Comment 23 & 24  
**Attachments:** CPMWC\_LowerTank\_Driveway.pdf

Hello Jeff,

Traffic reviewed and confirmed we will accept these changes. Do note the distance from EP to gate.

To confirm:

- Modified B/4 as submitted is acceptable.
- Add distance from EP to gate.



**Tom Esch, P.E.**

Senior Civil Engineer | Land Development and Permits

**Roads and Airports Department**

**County of Santa Clara**

101 Skyport Dr., San Jose | CA 95110

Phone: (408) 573-2450 | [Tom.Esch@rda.sccgov.org](mailto:Tom.Esch@rda.sccgov.org)

*Minor Encroachment Permit Fees are being updated, effective July 1, 2024.*

*For more information about these rate changes, visit our encroachment permit webpage:*

*<https://countyroads.sccgov.org/encroachment-permits>*

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>

**Sent:** Thursday, May 16, 2024 7:29 AM

**To:** Esch, Tom <[tom.esch@rda.sccgov.org](mailto:tom.esch@rda.sccgov.org)>

**Subject:** [EXTERNAL] PLN24-048 Comment 23 & 24

Hi Tom

My name is Jeff Tarantino and I am the consulting project manager for Chemeketa Park Mutual Water Company. I am reaching out to share with you our proposed design revisions to address two comments that you provided related to PLN24-048. We have reviewed the county Standard B/4 and have done our best to build upon the standard driveway detail to fit within the constraints of our site. I have attached select sheets from the drawing set that show the overall site in relation to property lines and county right of way, our focused site plan showing the revised driveway design in relation to both Ogallala Warpath and the site, and a detail of the revised driveway design that also includes two sections. Would our proposed design adequately address your comment for purposes of PLN24-048? I recognize we will need to apply for and obtain an encroachment permit for any work within the County right of way on Ogallala Warpath Road.

Regarding comment 24 to include copies of County Standard details in the plan set, we have reviewed all of the County standard details and believe that the project's detailed design and standard details capture the necessary

requirements. However, we are not opposed to include additional County standard details but would like to have some more guidance. I am happy to have a call with you to discuss.

Thanks!

Jeff

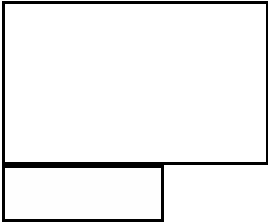
**Jeffrey J. Tarantino, P.E.** (he/him/his)  
Executive Vice President

**(415) 534-7070, Ext. 201**

office

**(650) 619-3226**

mobile



This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Attached to this email may be file(s) that are pursuant to your request. In using it, modifying it, or pulling information from it, you are responsible for the confirmation, accuracy, and checking thereof. F&L hereby disclaims any and all responsibility from any results obtained in use of these files and does not guarantee any accuracy of the information. Furthermore, this drawing is a working copy of a drawing that will comply with State laws requiring professional signature of work. These files may or may not contain all the information available on the signed, final drawing.