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MAYOR AND TOWN COUNCIL

SUBJECT: BLOSSOM HILL MANOR NO. 11 ANNEXATION

March 10, 2004

The annexation territory is within the Town's Urban Services Area boundary, and is pre-zoned R1:8 (single family residential, 8,000 sq. ft. minimum lot size). Reorganization would help in fill an existing County "island."

On December 15, 2003, the Town Council set January 20, 2004 as the date to hear protests regarding the annexation. Due to an error by the newspaper publishing the public hearing notice, the date was extended to February 17, 2004. From the time the notice was published in the local newspaper until the close of the public hearing on February 17, 2004, property owners and registered voters residing in the annexation area had the opportunity to protest the annexation. As part notification for the public hearing, instructions for protesting the annexation were provided.

#### DISCUSSION:

On February 17, 2004, a hearing was held, giving affected registered voters and property owners an opportunity to be heard by the Council and file written protests to the annexation. The Council set March 15, 2004 as the date to make findings of the value of written protests filed and not withdrawn and to take one of the following actions, as prescribed by California Government Code Section 57075:

1. Terminate the proceeding if a majority voter protest (50% or more) exists in accordance with Section 57078 of the Government Code.
2. Order the change of organization subject to a confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
  - a) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
  - b) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
3. Order the change of organization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters and less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.

Blossom Hill Manor No. 11 contains 63 registered voters. Sixteen written protests were filed, of which 13 were determined to be valid, representing 20.63 percent of the registered voters within the territory. This territory also contains 52 property owners, with a total assessed value of the land of \$7,333,447.00. Fourteen written protests were filed, of which all were determined to be valid, representing 27.45 percent of the property owners. The total value of land of those property owners

filing written protests is \$2,259,549.00, which is 30.18 percent of the total value of land within the territory.

Based on these results, the California Government Code Section 57075 requires the Town to order the change of organization subject to a confirmation by the registered voters residing within the affected territory. This is the Town's only role in this stage of the annexation process. Confirmation by registered voters can be accomplished through a general election or by a postcard election.

It is recommended that the annexation election be consolidated with the November 2004 General Election, rather than being conducted via a postcard election. Both procedures require the same election material and costs. As with all election activities in Santa Clara County, the annexation election would be handled by the Santa Clara County Registrar of Voters, requiring less staff time to coordinate than would a postcard election. During the late Spring or early Summer, the Town Clerk will introduce a resolution calling for election in the Town and setting deadlines for meeting the election requirements. Registered voters in the affected area will be the only ones eligible to vote in the election, and they will be notified of the upcoming annexation election.

ENVIRONMENTAL ASSESSMENTS:

Reorganization of the subject property is exempt from the California Environmental Quality Act Guidelines, pursuant to Section 15319(a).

FISCAL IMPACT:

For annexations that are more than five (5) lots, the Town charges no fee for the annexation proceedings. The following fees are assessed by Santa Clara County, LAFCO and the State Board of Equalization, and will be paid by the annexation petitioners:

Map, Legal Description and Guideline Checking Fees	\$2,000.00 (paid)
LAFCO Processing Fee	340.00
State Board of Equalization Fee	500.00
TOTAL FEES	\$2,840.00

The cost of an election in the Blossom Hill Manor No. 11 Annexation area, whether consolidated with the November 2004 General Election or not, is approximately \$10,000. Funds for this election will be incorporated into the FY 2004/05 recommended Town Clerk budget.

If the reorganization is approved, once it is certified by the State Board of Equalization, the Town will receive approximately nine point six percent (9.6%) of the property taxes.

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MAYOR AND TOWN COUNCIL

SUBJECT: BLOSSOM HILL MANOR NO. 11 ANNEXATION

March 10, 2004

Attachments:

Resolution making findings on the value of written protests files and not withdrawn in certain inhabited territory designated as "Blossom Hill Manor No. 11,"(with Exhibit A and B).

- A. Description of Blossom Hill Manor No. 11 Annexation
- B. Map to accompany description

Distribution:

Neelima Palacherla, Executive Officer, Santa Clara County Local Agency Formation Commission,  
County Government Center, East Wing, 70 W. Hedding Street, 11<sup>th</sup> Floor, San Jose, CA 95110

Tim Chow, Director, Environmental Resources Agency, County Government Center, East Wing, 70  
W. Hedding Street, 7<sup>th</sup> Floor, San Jose, CA 95110

Gay Strand, Manager for Administrative Services, County Library Service Area, 1095 North First  
Street, San Jose, CA 95112

Carol Gruetzner, 16192 Oleander Ave., Los Gatos, CA 95032

Larry Gerston, 16194 Lilac Lane, Los Gatos, CA 95032

Eleanor Gallmeister, 16210 Lilac Lane, Los Gatos, CA 95032

## RESOLUTION

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
MAKING FINDINGS ON THE VALUE OF WRITTEN PROTESTS FILED  
AND NOT WITHDRAWN IN CERTAIN INHABITED TERRITORY DESIGNATED AS  
BLOSSOM HILL MANOR NO. 11  
TO THE TOWN OF LOS GATOS

**WHEREAS**, a petition for the annexation of certain territory to the Town of Los Gatos and detachment of said territory from Santa Clara County Library Service Area No. 1, consisting of 8.71 acres on the southerly side of Oleander Avenue and the northerly side of Lilac Lane (APN'S: 523-13-013 to 043, 523-13-053 to 063, 523-13-065, 523-26-032 to 037) has been filed by Carol Gruetzner, et al; and

**WHEREAS**, on December 15, 2004, the Town Council adopted Resolution No. 2003-142 initiating proceedings for annexation of the area designated as Blossom Hill Manor No. 11; and .

**WHEREAS**, said territory is inhabited and all owners of land have not consented to this reorganization; and

**WHEREAS**, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation proposal to any City in Santa Clara County of unincorporated territory which is within the urban service area of the city if initiated by resolution of the legislative body and there the Town Council of the Town of Los Gatos is now the conduction authority for said annexation; and

**WHEREAS**, in accordance with Government Code Section 57025 (a and b) and Section 57026, the Town Clerk of the Town of Los Gatos has provided mailed notice of the hearing on the reorganization and notification of their eligibility to protest this city-initiated proceeding with instructions on how to prepare a valid, written protest; and

**WHEREAS**, the Town of Los Gatos has conducted a public hearing on the reorganization in accordance with Section 57050 of the California Government Code, to accept protests, objections or evidence which is made, presented, or filed; and

**WHEREAS**, the Town of Los Gatos, at the close to the public hearing, intends to determine the value of the written protests in order to make the appropriate action on the reorganization.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Los Gatos as follows:

1. That it is the conduction authority pursuant to Section 56757 of the Government Code for the annexation of property designated "Blossom Hill Manor No. 11" more particularly described in Exhibits "A" and "B";
2. That the following findings are made by the Town Council of the Town of Los Gatos:
  - a. That said territory is "Inhabited" and comprises approximately 8.71 acres.
  - b. That the annexation is consistent with the orderly annexation of territory within the Town's urban service area and is consistent with the Town policy of annexing when the reason for the proposed annexation is to properly plan and provide municipal service to the area which is contiguous to the Town.
  - c. The project is categorically exempt from C.E.Q.A. Class No. 15319(a).
  - d. The Town Council enacted an ordinance pre-zoning the subject territory with an R-1:8000 designation more than 25 years ago.
  - e. The territory is within the Town's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
  - f. That the County Surveyor has determined that the boundaries of the proposed annexation are definite and certain, and in compliance with the Commission's road annexation policies. The County Surveyor has been reimbursed for the actual cost incurred in making this determination.
  - g. The proposed annexation does not create islands or areas in which it would be difficult to provide municipal services.
  - h. The proposal does not split line of assessment or ownership.
  - I. The proposal in consistent with the Town's adopted general plan.
  - j. The territory is contiguous to existing Town Limits.
  - k. That the Town has complied with all conditions imposed by the commission for inclusion of the territory in the Town's urban service area.
3. That 13 valid written protests to the reorganization proceeding were received by the Clerk of the Town of Los Gatos and the value of those protests submitted prior to the close of the public hearing constitute 20.63% of the 63 registered voters within the affected territory.
4. That 14 valid written protests to the reorganization proceeding were received by the Clerk of the Town of Los Gatos and the value of those protest submitted prior to the close of the public hearing constitute 27.45 % of the 52 property owners owning 30.18% of the \$7,333,447 total assessed value of the land within the territory.

5. That said annexation is hereby ordered, subject to a conformation of the registered voters residing within the subject territory, pursuant to Sections 57075 and 57115 of the Government Code of the State of California. Said election to be conducted currently with the November 2004 General Election. Election proceeding shall be conducted by the Santa Clara County Registrar of Voters.

**BE IT FURTHER RESOLVED** that upon conformation of these reorganization proceedings by an election, the territory annexed will be detached from the Santa Clara County Library Service Area No. 01.

**FINALLY RESOLVED**, that upon confirmation of these annexation proceedings by an election, the territory annexed will be taxed on the regular county assessment roll in Town of Los Gatos Tax Rate A, excluding taxes for existing bonded indebtedness.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on 15<sup>th</sup> day of March, 2004 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



**EXHIBIT A**  
**ANNEXATION TO THE TOWN OF LOS GATOS**  
**ENTITLED**  
**BLOSSOM HILL MANOR NO. 11**

ALL OF THE REAL PROPERTY SITUATE IN SANTA CLARA COUNTY, CALIFORNIA  
BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING AT THE SOUTHEASTERN CORNER OF LOT 424 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 862, BLOSSOM HILL MANOR, UNIT NO. 4" AS FILED IN BOOK 38 OF MAPS, AT PAGES 5, 6 AND 7, SANTA CLARA COUNTY RECORDS, SAID CORNER ALSO BEING ON THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL ROAD NO. 8"; THENCE PROCEEDING ALONG SAID BOUNDARY LINE AND THE SOUTHERN BOUNDARY OF SAID TRACT NO. 862**

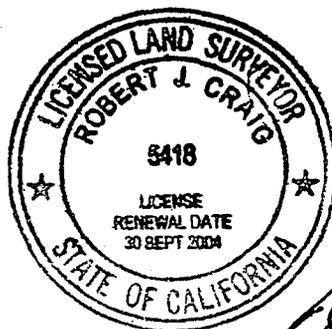
- 1) **SOUTH 89° 56' 15" WEST 548.18 FEET TO AN IRON PIPE IN THE CENTER LINE OF DAHLIA WAY; THENCE**
- 2) **NORTH 89° 59' WEST 351.24 FEET TO THE SOUTHERN COMMON CORNER OF LOTS 414 AND 415 OF SAID TRACT; THENCE LEAVING THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL ROAD NO. 8" AND ALONG THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 3" AND ALONG THE COMMON BOUNDARY OF SAID LOTS 414 AND 415 AND THE EXTENSION THEREOF**
- 3) **NORTH 0° 01' EAST 160.00 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF LOT 398 OF SAID TRACT; THENCE ALONG THE LAST SAID SOUTHERN BOUNDARY**
- 4) **NORTH 89° 59' WEST 32.09 FEET TO THE SOUTHERN COMMON CORNER OF LOTS 398 AND 399 OF SAID TRACT; THENCE ALONG THE COMMON BOUNDARY OF SAID LOTS 398 AND 399**
- 5) **NORTH 0° 01' EAST 102.46 FEET TO THE NORTHERN COMMON CORNER OF SAID LOTS 398 AND 399; THENCE ALONG THE NORTHERN BOUNDARY OF SAID LOT 399**
- 6) **NORTH 89° 59' WEST 3.00 FEET TO AN IRON PIPE AT THE SOUTHERN COMMON CORNER OF PARCEL "A" AND PARCEL "B", AS SAID PARCELS ARE SHOWN UPON THAT CERTAIN MAP FILED IN BOOK 484 OF MAPS, AT PAGE 49, SANTA CLARA COUNTY RECORDS; THENCE LEAVING THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 3" AND ALONG THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 4" AND ALONG THE COMMON BOUNDARY OF SAID PARCEL "A" AND PARCEL "B"**
- 7) **NORTH 19° 09' 25" WEST 24.35 FEET TO A CHISELED "X" IN A CONCRETE WALK; THENCE**
- 8) **NORTH 0° 01' EAST 38.25 FEET TO A CHISELED "X" IN A CONCRETE WALK; THENCE**
- 9) **NORTH 31° 37' 30" EAST 15.26 FEET TO AN IRON PIPE; THENCE**

- 10) NORTH 0° 01' EAST 26.00 FEET TO AN IRON PIPE AT THE NORTHERN COMMON CORNER OF SAID PARCEL "A" AND PARCEL "B" ON THE SOUTHERN LINE OF OLEANDER AVENUE; THENCE LEAVING THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 4" AND ALONG THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 10"
- 11) NORTH 1° 22' 04" WEST 60.02 FEET TO THE NORTHERN LINE OF OLEANDER AVENUE; THENCE LEAVING THE BOUNDARY LINE OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "BLOSSOM HILL MANOR NO. 10"
- 12) EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST FROM A RADIAL BEARING OF SOUTH 0° 01' WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET TO A POINT ON THE WESTERN LINE OF AZALEA WAY; THENCE
- 13) SOUTH 89° 59' EAST 60.00 FEET TO A POINT ON THE EASTERN LINE OF AZALEA WAY; THENCE
- 14) SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST FROM A RADIAL BEARING OF NORTH 89° 59" WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET; THENCE ALONG THE NORTHERN LINE OF OLEANDER AVENUE
- 15) SOUTH 89° 59' EAST 164.00 FEET; THENCE
- 16) EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST FROM A RADIAL BEARING OF SOUTH 0° 01' WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET TO A POINT OF THE WESTERN LINE OF JACARANDA WAY; THENCE
- 17) SOUTH 89° 59' EAST 60.00 FEET TO A POINT OF THE EASTERN LINE OF JACARANDA WAY; THENCE
- 18) SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST FROM A RADIAL BEARING OF NORTH 89° 59" WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET; THENCE ALONG THE NORTHERN LINE OF OLEANDER AVENUE
- 19) SOUTH 89° 59' EAST 170.00 FEET; THENCE
- 20) EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST FROM A RADIAL BEARING OF SOUTH 0° 01' WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET TO A POINT ON THE WESTERN LINE OF ESCOBAR AVENUE; THENCE
- 21) SOUTH 89° 59' EAST 60.00 FEET TO A POINT OF THE EASTERN LINE OF ESCOBAR AVENUE; THENCE
- 22) SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST FROM A RADIAL BEARING OF NORTH 89° 59" WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' AN ARC DISTANCE OF 31.42 FEET; THENCE ALONG THE NORTHERN LINE OF OLEANDER AVENUE
- 23) SOUTH 89° 59' EAST 75.00 FEET; THENCE

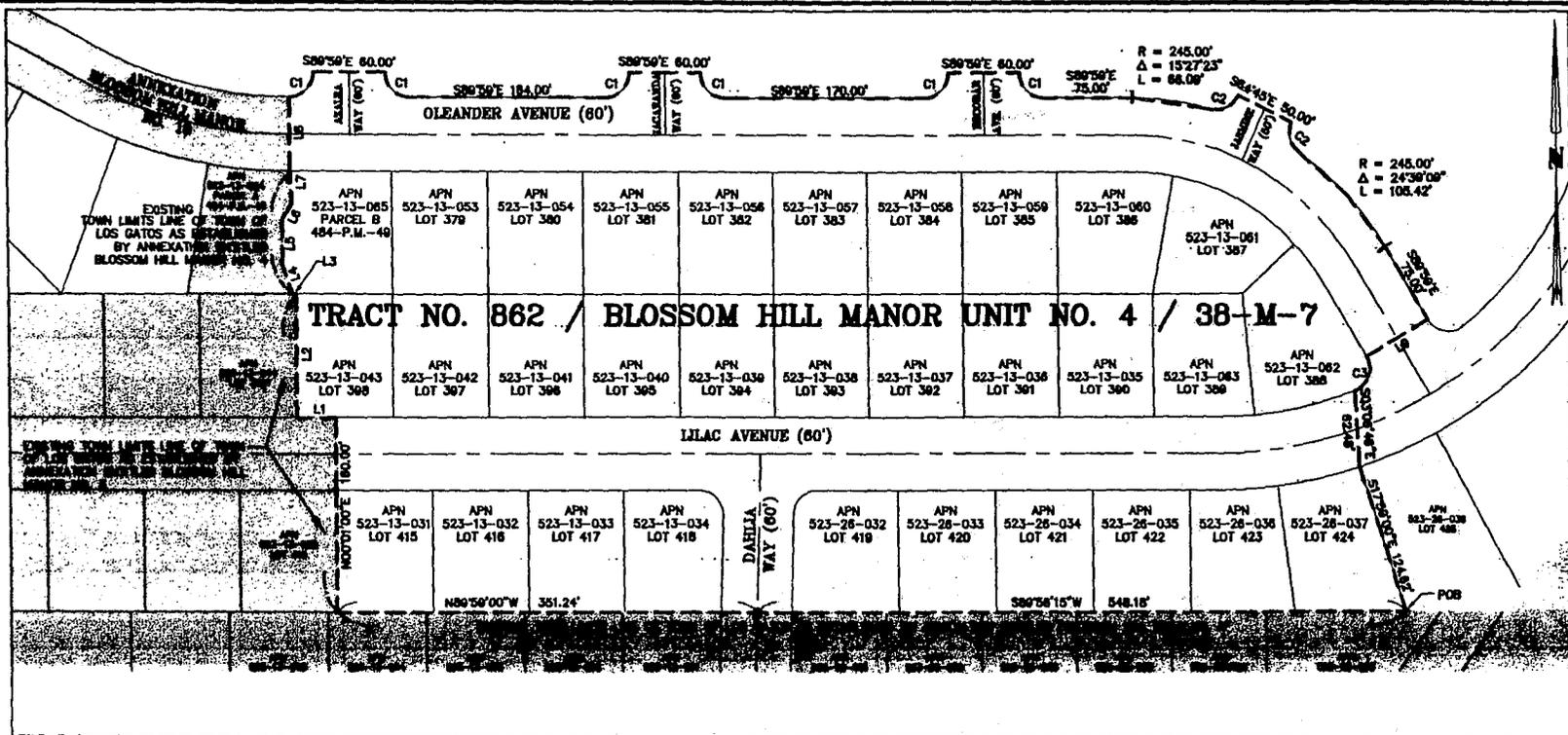
- 24) ALONG A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 245.00 FEET THROUGH A CENTRAL ANGLE OF 15° 27' 23" AN ARC DISTANCE OF 66.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE
- 25) ALONG A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 80° 13' 23" AN ARC DISTANCE OF 28.00 FEET TO A POINT ON THE NORTHWESTERN LINE OF JASMINE WAY; THENCE
- 26) SOUTH 64° 45' EAST 50.00 FEET TO A POINT ON THE SOUTHEASTERN LINE OF JASMINE WAY; THENCE
- 27) ALONG A NON-TANGENT CURVE CONCAVE TO THE EAST FROM A RADIAL BEARING OF NORTH 64° 45' WEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 80° 13' 23" AN ARC DISTANCE OF 28.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE NORTHEASTERN LINE OF OLEANDER AVENUE
- 28) ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 245.00 FEET THROUGH A CENTRAL ANGLE OF 24° 39' 09" AN ARC DISTANCE OF 105.42 FEET; THENCE
- 29) SOUTH 30° 19' 14" EAST 70.32 FEET; THENCE LEAVING THE NORTHEASTERN LINE OF OLEANDER AVENUE
- 30) SOUTH 59° 40' 46" WEST 60.00 FEET TO THE SOUTHWESTERN LINE OF OLEANDER AVENUE; THENCE SOUTHEASTERLY
- 31) ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST FROM A RADIAL BEARING OF NORTH 59° 40' 46" EAST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 99° 29' 53" AN ARC DISTANCE OF 34.73 FEET TO AN IRON PIPE ON THE SOUTHERN BOUNDARY OF LOT 388 OF SAID TRACT ON THE NORTHERN LINE OF LILAC AVENUE; THENCE LEAVING LAST SAID SOUTHERN BOUNDARY
- 32) SOUTH 3° 06' 46" EAST 62.48 FEET TO THE NORTHERN COMMON CORNER OF LOTS 424 AND 425 OF SAID TRACT; THENCE ALONG THE COMMON BOUNDARY OF SAID LOTS 424 AND 425
- 33) SOUTH 17° 59' EAST 124.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.71 ACRES (379,357 SQUARE FEET) MORE OR LESS

Revised Sept. 17, 2003



*[Handwritten Signature]* 9.17.03



**TRACT NO. 862 / BLOSSOM HILL MANOR UNIT NO. 4 / 38-M-7**



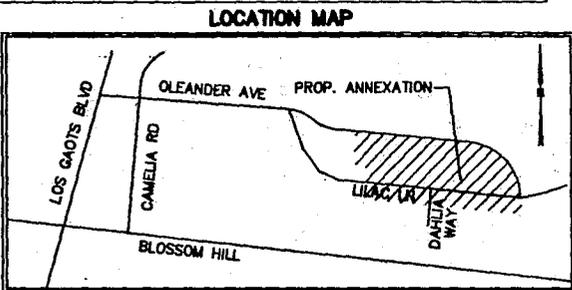
**AREA**  
 PROPOSED AREA  
 OF ANNEXATION  
 8.71 ACRES ±

**CURVE TABLE**

C1	20.00'	90°	31.42'
C2	20.00'	80°13'23"	28.00'
C3	20.00'	99°29'53"	34.73'

**LINE TABLE**

L1	N89°59'00"W	32.09'
L2	N00°01'00"E	102.48'
L3	N89°59'00"W	3.00'
L4	N18°09'25"W	24.35'
L5	N00°01'00"E	38.25'
L6	N31°37'30"E	15.28'
L7	N00°01'00"E	28.00'
L8	N01°22'04"E	60.02'
L9	S59°40'48"W	60.00'



**LEGEND**  
 SHADED AREA INDICATES PARCELS CURRENTLY WITHIN EXISTING CITY LIMITS  
 --- INDICATES BOUNDARY OF PROPOSED ANNEXATION

All distances shown are in feet and decimals thereof.

**DUNBAR and CRAIG**  
 LICENSED LAND SURVEYORS

236 N. SANTA CRUZ AVE, SUITE #104  
 LOS GATOS, CA 95030  
 (408) 398-8929

REVISED SEPT. 17, 2003  
 PROPOSED ANNEXATION TO  
 TOWN OF LOS GATOS  
 ENTITLED "BLOSSOM HILL MANOR #11"

EXHIBIT B  
 Situate in  
 LOS GATOS  
 County of Santa Clara, State of California

SCALE: 1 INCH = 100 FEET  
 DATE: SEPTEMBER 16, 2003  
 FIELDWORK:

DRAWN: JPH  
 CHECKED: RJC  
 ACAD NO. 03289.dwg

JOB NO. 03289  
 INDEX: SANTA CLARA  
 FILE NO.

SHEET  
 ONE  
 OF ONE

Exhibit B