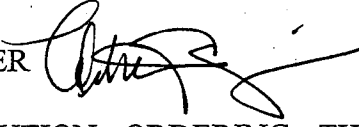




MEETING DATE: 3/15/04  
ITEM NO. 10

## COUNCIL AGENDA REPORT

DATE: February 26, 2004  
TO: MAYOR AND TOWN COUNCIL  
FROM: TOWN MANAGER   
SUBJECT: ADOPT RESOLUTION ORDERING THE ANNEXATION OF THE UNINHABITED TERRITORY KNOWN AS ENGLEWOOD AVENUE NO. 5 (16471 ENGLEWOOD AVENUE) TO THE TOWN OF LOS GATOS

### RECOMMENDATION:

Adopt resolution ordering the annexation of the uninhabited territory known as Englewood Avenue No. 5 (16471 Englewood Avenue) to the Town of Los Gatos.

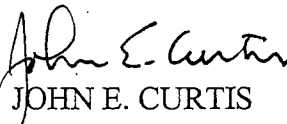
### BACKGROUND:

The Town has an agreement with Santa Clara County that requires annexation of any property located within the Town's Urban Services Area boundary and within 300 feet of the Town limits if the use is intensified. Section 56757 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives the cities in Santa Clara County the authority to annex territory without application to and hearing by the Santa Clara County Local Agency Formation Commission (LAFCO). The process is initiated by the Town after the property owner files an annexation petition.

### DISCUSSION:

The Town has received a petition from Christopher and Agnes Lewis (Attachment 2), owners of the property at 16471 Englewood Avenue, requesting annexation to the Town of Los Gatos. The property is located in the Englewood Avenue area, one of the unincorporated "island" or "pockets" of the County.

### PREPARED BY:

  
JOHN E. CURTIS  
Director of Parks and Public Works

Reviewed by: PSJ Assistant Town Manager OK Attorney \_\_\_\_\_ Clerk SE Finance  
\_\_\_\_\_ Community Development Revised: 2/26/04 1:24 pm

PAGE 2  
MAYOR AND TOWN COUNCIL  
SUBJECT: ENGLEWOOD AVENUE NO. 5 ANNEXATION  
March 4, 2004

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 338 linear feet of Englewood Avenue (including the intersection of Englewood Avenue, Loma Street and Topping Way), in conformance with the Santa Clara County Road Annexation Policy.

The property is in the Town's Urban Services Area, boundary, and is rezoned R1:20 (single family residential, 20,000 sq. ft. minimum lot size). Annexation will allow "city" services to be extended to the property and help in fill an existing County "island."

Since this is a 100% consent, "Uninhabited" annexation (less than twelve registered voters), a public hearing is not required. However, under new legislation, waiver of the protest (public hearing) must be received from agencies gaining or losing territory with this annexation. Waivers have been received from Santa Clara County and the County Library Service Area.

ENVIRONMENTAL ASSESSMENTS:

Annexation of the subject property is exempt for the California Environmental Quality Act guidelines, pursuant to Section 15061(b)(3).

FISCAL IMPACT:

The following fees are assessed by Santa Clara County, LAFCO and the State Board of Equalization, and must be paid by the petitioner:

Map, Legal Description and Guideline Checking Fees	.....\$2,000.00 (paid)
LAFCO Processing Fee	..... 340.00 (received)
State Board of Equalization Fee	..... 350.00 (received)

The petitioner has paid an Annexation Fee to the Town of \$1,600.

Once the annexation is certified by the State Board of Equalization, the Town will receive nine point six percent (9.6%) of the property taxes.

Attachments:

1. Resolution ordering the annexation of certain uninhabited territory designated as Englewood Avenue No. 5 to the Town of Los Gatos (with Exhibits A and B)
  - A. Legal Description of Englewood Avenue No. 5 Annexation.
  - B. Plat to Accompany Legal Description.
2. Petition for Annexation

Distribution:

Christopher and Agnes Lewis, 16471 Englewood Avenue, Los Gatos, CA 95032

## **RESOLUTION**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ORDERING THE REORGANIZATION  
OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS  
ENGLEWOOD AVENUE NO. 5  
APN: 532-05-015  
TO THE TOWN OF LOS GATOS**

**WHEREAS**, the proposed reorganization to the Town of Los Gatos consisting of all that unincorporated territory designated as Englewood Avenue No. 5, located at 16471 Englewood Avenue (APN: 532-05-015) in the County of Santa Clara is proposed for reorganization to the Town of Los Gatos pursuant to Division 3 of Title 5, commencing with Section 56000 et seq. of the Government Code;

**WHEREAS**, the Town of Los Gatos is authorized by Section 56757 to act as the conducting authority with exclusive power to approve reorganizations within its urban service area;

**WHEREAS**, the Town of Los Gatos has received a petition signed by all the owners of land within the territory to be reorganized, and pursuant to Section 56663 of the Government Code, the Town Council of the Town of Los Gatos may initiate proceedings to reorganize said territory without notice, hearing or election, in the manner described in Section 57002(d) of the Government Code of the State of California;

**RESOLVED**, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California that the following findings are true and correct:

1. The project is exempt from C.E.Q.A. under the provisions of the California Administrative Code, Title 14, Section 15061(b)(3).
2. The territory is "Uninhabited" as defined in Section 56046 of the Government Code of the State of California

3. The unincorporated territory is within the Town's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
4. That the County Surveyor has determined that the boundaries of the proposed reorganization are definite and certain.
5. The proposal does not split lines of assessment or ownership.
6. The proposed reorganization does not create islands or areas in which it would be difficult to provide municipal services.
7. The proposal is consistent with the Town's adopted general plan.
8. The territory is contiguous with the Town's boundaries.
9. The reason for the proposed reorganization is to properly plan and provide municipal services to the area that is contiguous to the Town.
10. All of the owners of property within the territory proposed for reorganization have consented to the reorganization.

**FURTHER RESOLVED**, by the Town Council of the Town of Los Gatos, a municipal corporation of the County of Santa Clara, State of California, that pursuant to the provisions of Section 57075 of the Government Code of the State of California, the reorganization to the Town of Los Gatos of that territory designated as Englewood Avenue No. 5, and described in real property description and map attached hereto, marked Exhibits "A" and "B", respectively, is approved, and that the same be reorganized to the Town of Los Gatos.

**FURTHER RESOLVED**, that upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular county assessment roll, including taxes for existing bonded indebtedness.

**FURTHER RESOLVED**, that upon completion of these reorganization proceedings the territory reorganized will be detached from Santa Clara County Library Service Area.

**FINALLY RESOLVED**, that the Town Clerk is authorized, and is hereby directed, pursuant to Section 57200 of the Government Code, to prepare under seal a certified copy of this resolution, giving the date of passage, and immediately transmit same along with a remittance to cover the fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission of Santa Clara County.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 15<sup>th</sup> 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

DESCRIPTION TO ACCOMPANY ANNEXATION OF TERRITORY KNOWN AS

## ENGLEWOOD AVENUE NO. 5

TO THE TOWN OF LOS GATOS

All that certain real property located in the County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the southeasterly corner of that certain Annexation to the Town of Los Gatos known as Englewood Avenue No. 1, said point being also the northeasterly corner of that certain Annexation known as Loma Street No. 3, thence along the easterly line of said Englewood Ave No. 1 Annexation, N 20°31'00" E, a distance of 80.00, thence leaving said Annexation, S 78°41'00" E, a distance of 260.00' to the westerly side of Englewood Avenue (50 feet wide); thence along said Avenue, N 20°31'00" E, a distance of 80.00' to the southerly line of said Englewood Avenue No. 1 Annexation; thence along said Annexation and crossing said Avenue, S 78°41'00" E, a distance of 50.66' to the easterly side of Englewood Avenue, thence along easterly side of said Avenue and along said Englewood Avenue No. 1 Annexation, S 20°31'00" W, a distance of 80.00 feet; thence leaving said Englewood Avenue No. 1 Annexation and continuing along said easterly side of Englewood Avenue S 20°31'00" W, a distance of 80.00 feet to the southwesterly corner of lot 17 of Tract No. 38 as shown on that certain Map entitled "Englewood Subdivision", filed in the Office of the County Recorder of Santa Clara County, California in Book 1 of Maps at pages 28 and 29; said point also being the northwesterly corner of lot 81 of Tract No. 328 as shown on that certain Map entitled "Kenwood Acres", filed in the Office of the County Recorder of Santa Clara County, California in Book 10 of Maps at pages 55 and 56, thence along said lot 81 and the easterly line of Englewood Avenue S 20°31'15" W, a distance of 8.08' to the point of curvature of a tangent curve, concave to the northwest, having a radius of 517.04', a central angle of 07°04'03", and a chord of 63.74', bearing S 24°03'17" W; thence southerly along said curve and the easterly line of Englewood Avenue a distance of 63.78' to the point of reverse curvature of a tangent curve, concave to the northeast, having a radius of 20.00', a central angle of 91°28'48", and a chord of 28.65' bearing S 18°09'06" E; thence southerly along said curve a distance of 31.93' to a point in the northerly line of Topping Way (60 feet wide) as shown on said Tract No. 328; thence crossing Topping Way S 37°25'39" W, a distance of 61.19' to the southerly line of Topping Way and to the point of curvature of a non-tangent curve, concave to the south, having a radius of 20.00', a central angle of 78°26'08", and a chord of 25.29' bearing S 76°53'26" W; thence northwesterly along said curve, a distance of 27.38' to a point of compound curvature of a tangent curve, concave to the south, having a radius of 1486.38', a central angle of 01°12'30", a chord of 31.34' bearing S 37°04'17" W; thence southwesterly along said curve a distance of 31.34' along said easterly line of Englewood Avenue to a point; thence crossing Englewood Avenue N 53°32'08" W, a distance of 50.01' to the westerly

line of Englewood Avenue at the southeasterly corner of that certain Annexation to the Town of Los Gatos known as Ferris Avenue No. 6; thence along said Ferris Avenue No. 6 Annexation northeasterly along a non-tangent curve, concave to the northwest, having a radius of 467.04' a central angle of  $12^{\circ}42'49''$ , and a chord of 103.42' bearing  $N 34^{\circ}56'59'' E$ , to the southeasterly corner of said Ferris Avenue No. 6 Annexation; thence northeasterly along said curve, a distance of 103.63' to a point along the northerly side of Englewood Avenue; thence along said northerly side of Englewood Avenue along an curve, concave to the northwest, having a radius of 467.04' a central angle of  $09^{\circ}12'00''$ , and a chord of 74.91' bearing  $N 25^{\circ}12'23'' E$ ; thence northeasterly along said curve, a distance of 74.99' to the southeasterly corner of lot 18 of the aforementioned Tract No. 38; thence along the southerly line of said lot 18,  $N 78^{\circ}41'00'' W$ , a distance of 150' more or less to the northeasterly corner of that certain Annexation to the Town of Los Gatos known as Ferris Ave No. 6, thence along the northerly line of said Annexation,  $N 78^{\circ}41'00'' W$ , a distance of 55.00', thence leaving said Ferris Ave Annexation and along said southerly line of lot 18,  $N 78^{\circ}41'00'' W$ , a distance of 55' more or less to the POINT OF BEGINNING.

Containing 0.8993 acres or 39174.7 sq ft. of land more or less.

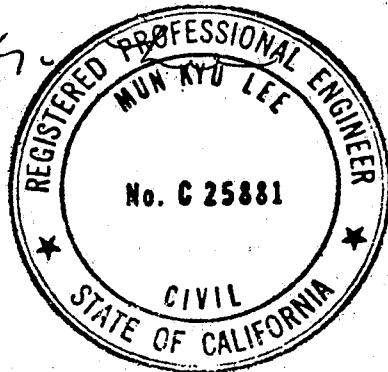
APN NO. 523-05-015

ADDRESS: 16471 ENGLEWOOD AVENUE

Attached hereto is a plat labeled Exhibit "B" and  
by this reference made a part thereof.  
Description prepared January 13, 2004.

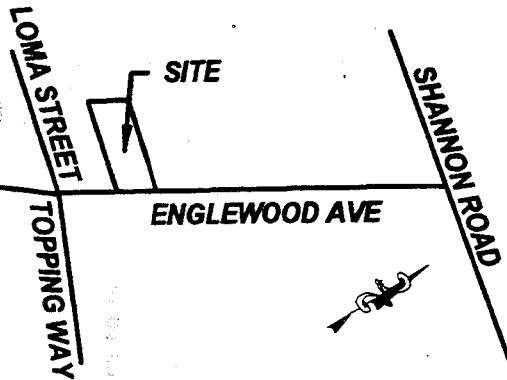
END OF DESCRIPTION

*Mun Kyu Lee*  
Mun Kyu Lee  
R.C.E. No. C-25881  
Expires 12-31-05





# VICINITY MAP



TOWN OF LOS GATOS  
TOWN LIMITS AS  
EST. BY ANNEXATION  
LOMA ST NO. 3

POB

APN NO. 532-07-005

TRACT NO 559 "SPOTSWOOD TRACT"

TOWN OF LOS GATOS TOWN LIMITS  
AS ESTABLISHED BY ANNEXATION  
ENGLEWOOD AVE NO. 1

N 20°31'00" E  
80.00'

AREA  
0.8993 acres  
39174.7620 sq ft

APN NO. 532-07-004  
TOWN OF LOS GATOS  
TOWN LIMITS  
AS ESTABLISHED  
BY ANNEXATION  
FERRIS AVE NO. 6

APN NO. 532-07-003

APN NO. 532-07-002

APN NO. 532-07-001

APN NO. 532-05-015

APN NO. 532-05-014

TRACT NO 38

"ENGLEWOOD SUBDIVISION"

18

19

80.00'  
S 20°31'00" W

80.00'  
N 20°31'00" E

ENGLEWOOD AVENUE

L=63.78'  
Δ=07°04'03" R=517.04'

160.00'  
S 20°31'00" W

TRACT NO 38

"ENGLEWOOD SUBDIVISION"

17

16

ENGLEWOOD AVE NO. 1

S 78°41'00" E  
50.66'

TOPPING WAY

LOS GATOS TOWN LIMITS

PROPOSED ANNEXATION LIMITS

## EXHIBIT "B"

PROPOSED ANNEXATION  
TO THE TOWN OF LOS GATOS  
STATE OF CALIFORNIA

ENTITLED

"ENGLEWOOD AVE. NO. 5"

DATE: 01-13-04 SCALE: 1" = 60'



# PETITION

## FOR THE ANNEXATION OF TERRITORY TO THE TOWN OF LOS GATOS

The undersigned hereby petition the Town Council of the Town of Los Gatos for approval of a proposed annexation, and stipulate as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox Local Government Reorganization Act of 1985).
2. The proposed annexation is designated as: (To be completed by Town Staff)

ENGLEWOOD AVENUE NO. 5 and consists of  
Annexation to the Town of Los Gatos of 0.4713 acres on the (N/S/E/W) side  
of ENGLEWOOD AVE (street name) between LOMA ST.  
(street name) and Shannon Rd. (street name).

3. A metes and bounds description of the exterior boundaries of the territory included in the proposal, marked "Exhibit 'A'", and a map of said territory, marked "Exhibit 'B'", are attached to this petition and by this reference incorporated herein.

4. The territory to be annexed is:

☐ inhabited (12 or more registered voters)  
☒ uninhabited (less than 12 registered voters).

5. This proposal is consistent with the Sphere of Influence of the Town of Los Gatos.

6. The reason(s) for the proposed annexation is/are:

MAINTAIN MUNICIPAL SERVICES

7. It is desired that the proposed annexation be made subject to the following terms and conditions:

NONE.

ATTACHMENT 2

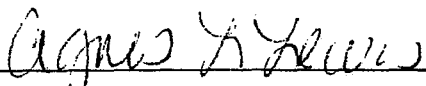
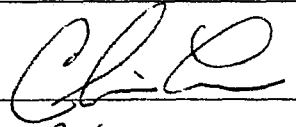
8. The person(s) signing this petition has/have signed as (check one):

☒ owner(s) of land within the affected territory.

☐ registered voter(s) within the affected territory.

9. The undersigned proponents (X)do/( )do not (check one) own 100 percent of the territory proposed for annexation.

Wherefore, petitioner(s) request(s) that be taken in accordance with the provisions of Section 56000 et seq. of the Government Code, and herewith affix signature(s) as follows:

SIGNATURES OF PETITIONERS (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
	16471 Englewood Ave	523-05-023
AGNES L. LEWIS	Los Gatos CA 95032	
DATE: 2-10-03	Phone: H - 358-3412 W - 408-844-7213	
	16471 Englewood Ave	523-05-023
Christopher Lewis	Los Gatos CA 95032	
DATE: 2-10-03	Phone: H - 358-3412 W -	
DATE:	Phone: H - W -	

For additional signatures, use Supplemental Petition.

WHEN COMPLETE RETURN TO:

Town of Los Gatos  
Parks & Public Works Department  
P.O. Box 949  
Los Gatos, California 95031

Phone: (408) 399-5770