



MEETING DATE: 2/6/06

ITEM NO.

2

COUNCIL AGENDA REPORT

DATE: JANUARY 26, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: ADOPT RESOLUTION MAKING FINDINGS OF THE VALUE OF WRITTEN PROTESTS FILED AND NOT WITHDRAWN AND ORDERING THE REORGANIZATION OF THE TERRITORY KNOWN AS ARNERICH ROAD NO. 1 TO THE TOWN OF LOS GATOS

RECOMMENDATION:

Adopt resolution (Attachment 1) making findings of the value of written protests filed and not withdrawn and ordering the reorganization of the territory known as Arnerich Road No. 1 to the Town of Los Gatos.

BACKGROUND:

On January 17, 2006, a protest proceeding (public 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 The Council set February 6, 2006 as the date to make findings of the value of written protests filed, and not withdrawn, and take one of the following actions, as prescribed by California Government Code Section 57075:

- a. Terminate the proceeding if a majority protest exists in accordance with Section 57078 of the Government Code.
- b. Order the change of organization subject to a confirmation the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
 - 1) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
 - 2) 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.

PREPARED BY:

JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: PS Assistant Town Manager AL Attorney _____ Clerk Administrator _____
Finance SE Community Development _____

Revised: 1/26/06 7:45 am

Reformatted: 5/30/02

N:\B&E\COUNCIL REPORTS\Annex-Arnerich-1.Conclusion.wpd

- c. Order the change of organization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of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.

DISCUSSION:

Arnerich Road No. 1 has 16 registered voters. Only one (1) written protest was filed by a registered voter, which was determined to be valid. That represents 6.25 percent of the registered voters within the territory. This territory also contains 25 property owners, with a total assessed value of the land of \$9,629,308.00. One written protest was filed, which was determined to be valid, representing 4.00 percent of the property owners. The total value of land of the property owner filing written protests is \$253,727.00, which is 2.63 percent of the total value of land within the territory. Since the valid protest of both the registered voters and property owners in the Arnerich Road No. 1 Annexation territory is less than 25 percent, California Government Code Section 57080(b)(1) (B) requires the Council to order the annexation of the territory without an election (Attachment 3).

It is also important to note that two of the parcels within the territory are currently under a Williamson Act Contract (Contract 88008). However about 5 years ago, Santa Clara County filed a "Notice of Non-renewal" of the contract. At that time, the County filed notices on many parcels throughout the County because they were either not being used for agriculture purposes or, as is the case with these parcels, too small to be used for agriculture. These two parcels, APN: 537-17-028 and 029 have a combined area of less than one half acre (Attachment 2). At the time these parcels were put under a Williamson Act contract, they were part of a larger parcel. A Lot Line Adjustment was approved by the County so that these small areas could be added to two other parcels. As part of the annexation resolution, the Town must agree to conform to the Williamson Act contract terms of non-renewal.

CONCLUSION:

Annexation of this area to the Town of Los Gatos is the best way to provide high quality services to the residents of the area and allow them a full voice in local government.

ENVIRONMENTAL ASSESSMENTS:

This action is a project as defined under CEQA but is statutorily exempt under Section 15061(b)(3).

FISCAL IMPACT:

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

Map, Legal Description and Guideline Checking Fees	\$2,000.00 (paid)
LAFCO Processing Fee	670.00 (paid)
State Board of Equalization Fee	1,500.00 (paid)

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MAYOR AND TOWN COUNCIL

SUBJECT: ARNERICH ROAD NO. 1 REORGANIZATION

JANUARY 26, 2006

The chief petitioner has paid annexation fees to the Town of \$400.00, plus a computer service fee of \$16.00 and a microfiche fee of \$75.00. Additionally, he has paid the cost for placing the notice of the annexation in the local newspaper on two separate occasions.

If the reorganization is approved, and once it is certified by the State Board of Equalization, the Town will receive approximately nine percent (9%) of the property taxes.

Attachments:

1. Resolution Ordering the Reorganization of Certain Inhabited Territory Designated as Arnerich Road No. 1 to the Town of Los Gatos
 - A. Description of Arnerich Road No. 1 Annexation
 - B. Map to accompany description
2. Map showing Los Gatos area parcels excluded for Agriculture Preserve
3. Land Owner Protest Evaluation

Distribution:

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

Michael Lopez, Interim Director, Environmental Resources Agency, County Government Center,
East Wing, 7th Floor, 70 W. Hedding Street, San Jose, CA 95110

Gay Strand, Manager for Administrative Services, County Library Service Area, 14600 Winchester
Boulevard, Los Gatos, CA 95032

Ed T. Pearson, 239 Thurston Street, Los Gatos, CA 95030

Division of Land Resources Protection, c/o Dennis O. Bryant, Department of Conservation, 801 K
Street, MS18-01, Sacramento, CA 95814

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
"ARNERICH ROAD NO. 1,"
APPROXIMATELY 79 ACRES
LOCATED ALONG ARNERICH ROAD
AND DEER PARK COURT
(APNs: 537-11-008, 011, 015, 017, 018, 019, 028, 029, 031,
537-12-004, 010, 537-17-009, 028, 029, 030 and 031)**

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, consisting of 79.0 acres located along Arnerich Road and Deer Park Court (APNs: 537-11-008, 011, 015, 017, 018, 019, 028, 029, 031, 537-12-004, 010, 537-17-009, 028, 029, 030 and 031)) has been filed by Ed T. Pearson; and

WHEREAS, on December 5, 2005, the Town Council adopted Resolution 2005-125 initiation proceeding for annexation of the area designated as "Arnerich Road No. 1"; and

WHEREAS, said territory is inhabited and all on the owners of land included in the proposal have not consented to this annexation; 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 therefore 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 Clerk Administrator 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 instruction 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 protest, objections or evidence which is made presented or filed; and

WHEREAS, the Town of Los Gatos, at the close of the public hearing, intends to determine the value of the written protests in order to take 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 "Arnerich Road No. 1" more particularly described in Exhibit "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 79.0 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 requested to provide Town services.
 - c. The Town Council has determined that this action is a project as defined under CEQA but is statutorily exempt under Section 15061(b)(3).
 - d. The Town Council enacted an ordinance over 25 years ago pre-zoning the subject territory with an HR-20 (Hillside Residential, One (1) dwelling per 20 acres) zoning designation and RC (Resource Conservation)—APNs: 537-17-028 and -029.
 - e. That 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 the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies. The Chief Petitioner has reimbursed the County for the actual cost incurred by the County Surveyor in making this determination.
 - g. That the proposed annexation does not create island or areas in which it would be difficult to provide municipal services.
 - h. That the proposed annexation does not split lines of assessment or ownership.
 - i. The proposed annexation is consistent with the Town's General Plan.
 - j. That the territory to be annexed is contiguous to existing Town limits.
 - k. That the Town Council has complied with all conditions imposed by the Commission for inclusion of the territory in the Town urban service area.
 - l. That the Town shall succeed to the Williamson Act contract pursuant to Section 51243 of the Government Code.
3. The two valid written protests to the reorganization proceedings were received by the Clerk Administrator of the Town of Los Gatos and the value of those protests submitted prior to the close of the public hearing constitute 6.25% of the 16 registered voters and 4% of the property owners owning 2.63% of the assessed value of the land in the affected territory.

4. That said annexation is hereby ordered without election pursuant to section 57075 and is subject to no terms and conditions.

BE IT FURTHER RESOLVED that upon completion of these reorganization proceedings the territory annexed will be detached from the Santa Clara County Library Service Area.

BE IT 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.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 6th of February 2006, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

TOWN OF LOS GATOS
ANNEXATION ARNERICH ROAD NO. 1

EXHIBIT "A"

DESCRIPTION

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

BEGINNING at the most Southwesterly Corner of Lot 7 as shown on that certain map entitled, "Tract 5502", filed for record March 28, 1980 in Book 461 of Maps at pages 16, 17 and 18, Santa Clara County Records, and as corrected by that certain Certificate of Correction recorded April 23, 1981 in Book G 042 at page 726, Santa Clara County Official Records; said point also lying on the most Easterly Line of that certain annexation to the Town of Los Gatos known as Deer Park Road No. 1; thence

from the POINT OF BEGINNING in a northeasterly direction and along said Easterly Line of the Deer Park Road No. 1 annexation the following courses and distances:

North 10° 36' 08" East 208.06 feet to a point; thence

North 61° 27' 32" West 232.48 feet to a point lying on the right-of-way line of Deer Park Court; thence along said right-of-way line of Deer Park Court the following courses and distances:

along a curve to the left having a radius of 42.00 feet through a central angle of 11° 30' 12" an arc distance of 8.43 feet to a point; thence

along a reverse curve to the right having a radius of 42.00 feet through a central angle of 116° 02' 46" an arc distance of 85.07 feet to a point; thence

leaving said Easterly Line of the Deer Park Road No. 1 annexation and continuing along said Deer Park Court right-of-way the following courses and distances:

continuing along a curve to the right having a radius of 42.00 feet through a central angle of 125° 57' 35" an arc distance of 92.33 feet to a point; thence

along a reverse curve to the left having a radius of 42.00 feet through a central angle of 31° 00' 10" an arc distance of 22.73 feet to a point; thence

North 70° 36' 20" East 375.10 feet to a point; thence

along a tangent curve to the left having a radius of 20.00 feet through a central angle of 91° 00' 36" an arc distance of 31.77 feet to a point lying on the Westerly right-of-way line of Deer Park Road; thence

North 70° 36' 20" East 60.00 feet to a point lying on the Easterly right-of-way line of Deer Park Road; thence along said Easterly right-of-way line of Deer Park Road and along a curve to the left having a radius of 370.00 feet through a central angle of 07° 19' 03" an arc distance of 47.26 feet to a point; thence leaving said Easterly right-of-way line of Deer Park Road the following courses and distances:

North 62° 16' 42" East 29.10 feet to a point; thence

along a tangent curve to the right having a radius of 75.00 feet through a central angle of 35° 25' 01" an arc distance of 46.36 feet to a point; thence

South 82° 18' 17" East 36.50 feet to a point; thence

along a tangent curve to the left having a radius of 75.00 feet through a central angle of 14° 39' 30" an arc distance of 19.19 feet to a point; thence

North 83° 02' 13" East 133.70 feet to a point; thence

along a tangent curve to the left having a radius of 500.00 feet through a central angle of 11° 29' 48" an arc distance of 100.33 feet to a point; thence

North 71° 32' 25" East 137.85 feet to a point; thence

along a tangent curve to the left having a radius of 50.00 feet through a central angle of 64° 00' 00" an arc distance of 55.85 feet to a point; thence

North 07° 32' 25" East 182.30 feet to a point; thence

along a tangent curve to the left having a radius of 50.00 feet through a central angle of 19° 13' 04" an arc distance of 16.77 feet to a point; thence

DESCRIPTION CONTINUED

North 89° 32' 25" East 123.66 feet to a point; thence
North 00° 33' 26" West 597.41 feet to a point; thence
South 80° 15' 00" East 475.20 feet to a point; thence
South 80° 45' 00" East 32.07 feet to a point; thence
South 00° 33' 26" East 1151.50 feet to a point; thence
North 89° 45' 16" East 826.70 feet to a point; thence
North 00° 00' 00" East 44.00 feet to a point; thence
North 89° 30' 00" East 239.38 feet to a point; thence
North 44° 26' 49" East 42.39 feet to a point; thence
North 89° 30' 00" East 100.00 feet to a point; thence
South 00° 00' 00" West 74.00 feet to a point; thence
North 89° 30' 00" East 187.08 feet to a point; thence
South 00° 00' 00" West 37.14 feet to a point lying on the Northerly right-of-way line of Arnerich Road; thence
along said Northerly right-of-way line of Arnerich Road the following courses and distances:
North 77° 17' 30" East 288.77 feet to a point; thence
South 31° 33' 55" East 3.34 feet to a point; thence
North 00° 30' 00" West 10.56 feet to a point; thence
North 71° 17' 00" East 138.50 feet to a point; thence
along a tangent curve to the left having a radius of 100.00 feet through a central angle of 47° 00' 20" an arc
distance of 82.04 feet to a point; thence
North 24° 16' 40" East 116.05 feet to a point; thence leaving said Northerly right-of-way line of Arnerich Road
South 31° 35' 04" East 60.41 feet to a point lying on the Southerly right-of-way line of Arnerich Road; thence
along said Southerly right-of-way line of Arnerich Road the following courses and distances:
South 24° 16' 40" West 73.41 feet to a point; thence
South 08° 32' 00" West 31.49 feet to a point; thence
along a curve to the right having a radius of 160.00 feet through a central angle of 39° 15' 40" an arc distance of
109.64 feet to a point; thence
South 71° 17' 00" West 57.22 feet to a point; thence
South 89° 30' 00" West 31.99 feet to a point; thence
South 71° 17' 00" West 121.49 feet to a point; thence
South 77° 17' 30" West 441.68 feet to a point; thence
North 88° 29' 00" West 186.08 feet to a point; thence
South 80° 29' 30" West 160.35 feet to a point; thence leaving said Southerly right-of-way line of Arnerich Road
the following courses and distances:
South 00° 00' 00" West 254.19 feet to a point; thence
North 76° 38' 00" East 383.47 feet to a point; thence
South 68° 07' 20" East 136.30 feet to a point; thence
South 36° 55' 00" East 173.30 feet to a point; thence
South 10° 14' 00" East 289.90 feet to a point; thence
North 49° 46' 00" East 145.00 feet to a point; thence
North 71° 25' 00" East 92.64 feet to a point; thence
South 69° 55' 24" East 144.85 feet to a point; thence
North 17° 44' 00" East 151.10 feet to a point; thence
North 59° 48' 35" East 303.01 feet to a point; thence
South 53° 30' 00" East 44.28 feet to a point lying on the Easterly right-of-way line of Wagner Road; thence along
said Easterly right-of-way line of Wagner Road the following courses and distances:
South 36° 30' 00" West 59.84 feet to a point; thence
South 00° 00' 00" East 60.44 feet to a point; thence
South 07° 58' 30" East 59.67 feet to a point; thence
South 02° 53' 30" East 247.20 feet to a point; thence

DESCRIPTION CONTINUED

South 40° 35' 00" West 31.90 feet to a point; thence leaving said Easterly right-of-way line of Wagner Road the following courses and distances:

South 00° 00' 00" West 431.35 feet to a point; thence

South 89° 39' 00" West 1297.93 feet to a point; thence

North 00° 00' 00" East 332.64 feet to a point; thence

South 86° 54' 30" West 1307.63 feet to a point; thence

North 00° 20' 56" West 628.24 feet to a point; thence

South 88° 07' 57" East 227.97 feet to a point; thence

North 05° 34' 31" West 436.75 feet to a point; thence

South 89° 45' 16" West 194.59 feet to a point; thence

North 00° 34' 09" West 50.00 feet to a point; thence

South 89° 42' 16" West 505.02 feet to a point lying on said Westerly right-of-way line of Deer Park Road; thence along said Westerly right-of-way line of Deer Park Road and along a curve to the right having a radius of 240.00 feet through a central angle of 13° 01' 42" an arc distance of 54.57 feet to a point; thence

South 04° 36' 20" West 47.24 feet to a point; thence

along a tangent curve to the left having a radius of 45.00 feet through a central angle of 21° 11' 37" an arc distance of 16.65 feet to a point; thence leaving said Westerly right-of-way line of Deer Park Road

South 73° 24' 45" West 457.93 feet to the POINT OF BEGINNING.

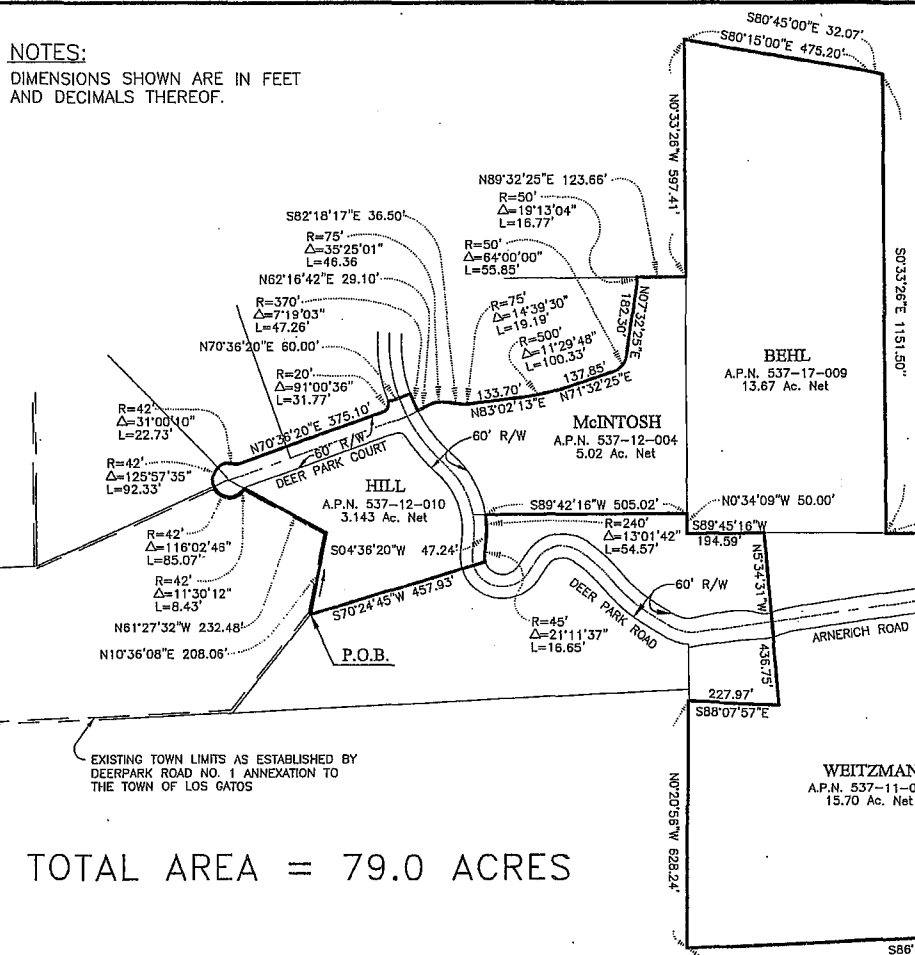
Containing 79.0 acres of land, more or less.

END OF DESCRIPTION



NOTES:

DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

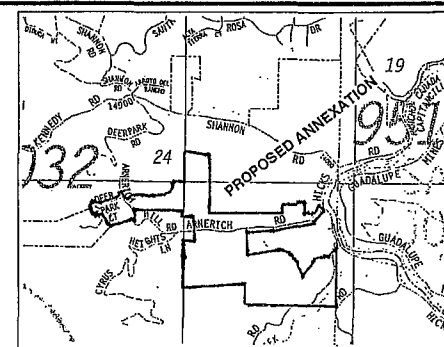


COURSES DATA

- ① N24°16'40"E 118.05'
- ② N71°17'00"E 138.50'
- ③ N77°17'30"E 288.77'
- ④ S71°17'00"W 121.49'
- ⑤ S89°30'00"W 31.99'
- ⑥ S71°17'00"W 57.22'
- ⑦ S08°32'00"W 31.49'
- ⑧ S24°16'40"W 73.41'
- ⑨ S31°35'04"E 60.41'
- ⑩ S31°33'55"E 3.34'
- ⑪ N00°30'00"W 10.56'

CURVE DATA

- Ⓐ R=100.00' Δ=47°00'20" L=82.04'
 Ⓑ R=160.00' Δ=39°15'40" L=109.64'



LOCATION MAP

N.T.S.

TOTAL AREA = 79.0 ACRES

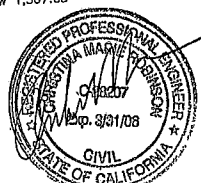
NOTES:

1. PROPERTY LINES AND LOT LINES SHOWN ARE RECORD DATA ONLY.
2. BEARINGS AND DISTANCES SHOWN ARE RECORD DATA ONLY.

LEGEND:

- = BOUNDARY OF PROPOSED ANNEXATION
 — = EXISTING BOUNDARY OF TOWN OF LOS GATOS

PLAN
 SCALE: 1"=300'



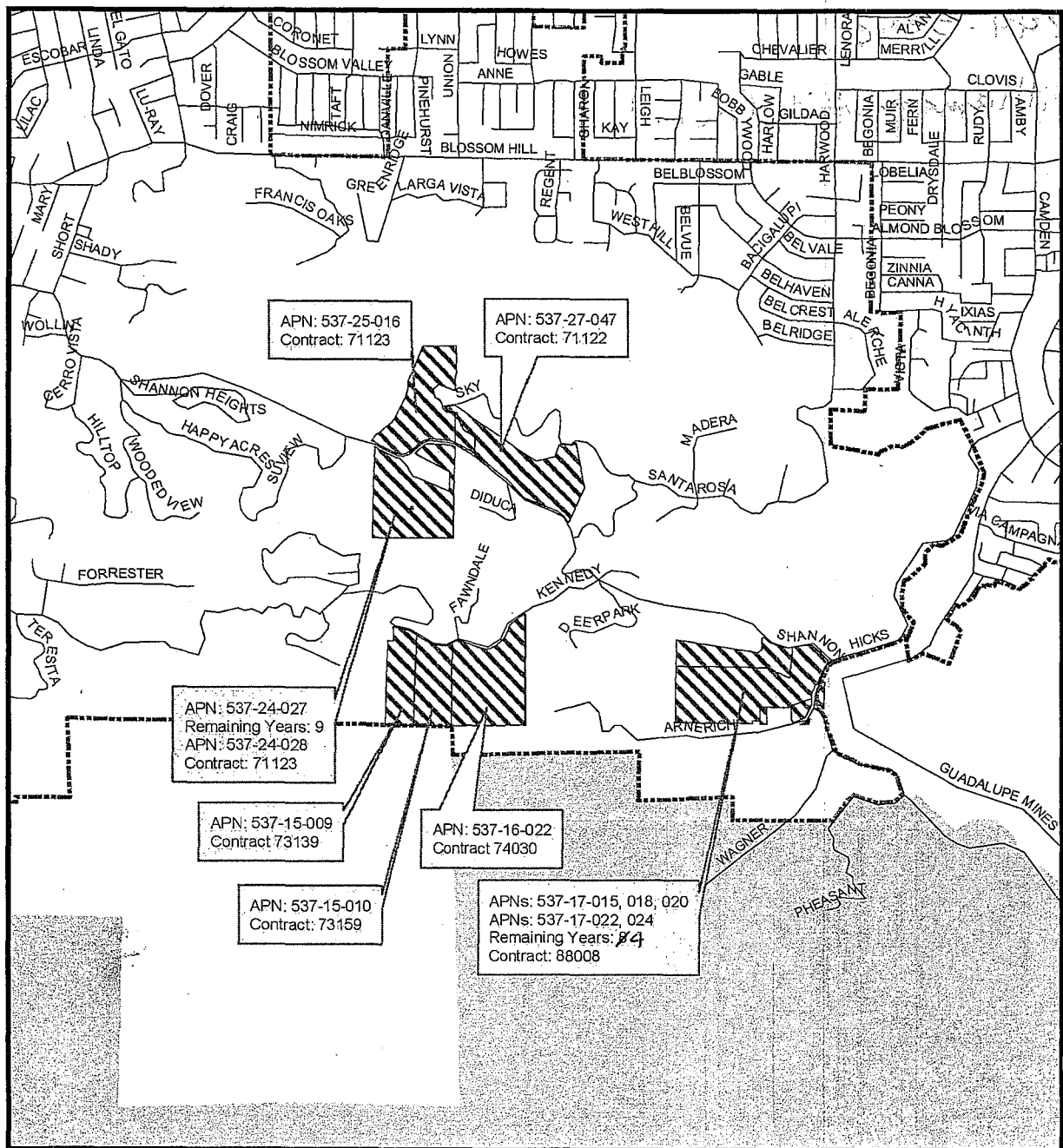
MASON-SULIC		DESIGNED BY	V.S.
CIVIL & DESIGN CONSULTANTS, INC.		DRAWN BY	V.S.
2021 The Hacienda, Suite 100, San Jose, CA 95128 Tel: 408/241-0143 Fax: 408/241-4507		CHECKED BY	V.S.
SCALE: AS SHOWN		DATE	4-25-05

REGISTRATION EXPIRES: MARCH 31, 2008

EXHIBIT "B"

PROPOSED ANNEXATION TO THE TOWN OF LOS GATOS
 ARNERICH ROAD NO. 1

TOWN OF LOS GATOS, CALIFORNIA
 DRAWING NUMBER
 03552-ANNEX



Los Gatos Urban Service Area

0 1,000
Feet



Proposed Agricultural Preserve



Parcels proposed to be excluded from Ag Preserve



Urban Service Area Boundary

Location Map



The data used in these maps were derived from many sources. While deemed reliable, the Planning Office assumes no liability.

ARNERICH ROAD NO. 1
LAND OWNER PROTEST EVALUATION

CNT	% OWN	SITE ADDRESS	APN	VALUE	PRO- TEST	PROTEST VALUE
1.	100	14270 Arnerich Rd	537-11-008	\$ 313,306.00		
2.	100	17501 Hicks Rd	527-11-011	\$ 308,144.00		
3.	50	17507 Hicks Rd	527-11-015	\$ 264,955.50		
4.	50	17507 Hicks Rd	527-11-015	\$ 264,955.50		
5.	50	14300 Arnerich Rd	537-11-017	\$ 372,296.50		
6.	50	14300 Arnerich Rd	537-11-017	\$ 372,296.50		
7.	100	Arnerich Rd	537-11-018	\$ 36,145.00		
8.	50	14320 Arnerich Rd	537-11-019	\$ 271,131.50		
9.	50	14320 Arnerich Rd	537-11-019	\$ 271,131.50		
10.	50	18001 Wagner Rd	537-11-028	\$ 1,278,256.00		
11.	50	18001 Wagner Rd	537-11-028	\$ 1,278,256.00		
12.	100	Wagner Rd	537-11-029	\$ 146,037.00		
13.	100	Wagner Rd	537-11-031	\$ 610,000.00		
14.	50	14525 Deer Park Ct	537-12-004	\$ 161,464.50		
15.	50	14525 Deer Park Ct	537-12-004	\$ 161,464.50		
16.	50	14520 Deer Park Ct	537-12-010	\$ 253,727.00	1	\$ 253,727.00
17.	50	14520 Deer Park Ct	537-12-010	\$ 253,727.00		
18.	50	14184 Shannon Rd	537-17-009	\$ 675,378.00		
19.	50	14184 Shannon Rd	537-17-009	\$ 675,378.00		
20.	100	Arnerich Rd	537-17-028	\$ 18,777.00		
21.	50	14155 Arnerich Rd	537-17-029	\$ 9,939.50		
22.	50	14155 Arnerich Rd	537-17-029	\$ 9,939.50		
23.	100	Arnerich Rd	537-17-030	\$ 92,602.00		
24.	50	14155 Arnerich Rd	537-17-031	\$ 765,000.00		
25.	50	14155 Arnerich Rd	537-17-031	\$ 765,000.00		
TOTALS:				\$ 9,629,308.00	1	\$ 253,727.00

Land Value Protest: **2.63%**

Land Owner Protest: **4.00%**

Voter Protest: **6.25% (1 out of 16)**

Prepared by:



Senior Engineering Technician

Attachment 3