




MEETING DATE: 2/6/06
ITEM NO.
DESK ITEM 

COUNCIL AGENDA REPORT

DATE: FEBRUARY 6, 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SUBJECT: ADOPT RESOLUTION MAKING FINDINGS OF THE VALUE OF WRITTEN PROTESTS FILED AND NOT WITHDRAWN AND ORDERING THE REORGANIZATION OF THE TERRITORY KNOWN AS ARNERICH ROAD NO. 1 TO THE TOWN OF LOS GATOS

Attached is an amended resolution making findings of the value of written protests filed and not withdrawn and ordering the reorganization of the territory known as Arnerich Road No. 1 to the Town of Los Gatos.


Page 2 of the resolution, Item 3, is amended to change the valid written protests received by the Clerk Administrator from two to one and shall read as follows: "The **one** valid written protest to the reorganization proceedings was 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."

Attachments:

Amended Resolution Ordering the Reorganization of Certain Inhabited Territory Designated as Arnerich Road No. 1 to the Town of Los Gatos

PREPARED BY:

JOHN E. CURTIS 

Director of Parks and Public Works 

Reviewed by:  Assistant Town Manager / Attorney
Finance Community Development

Clerk Administrator

Revised: 2/6/06 2:19 pm

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL
SUBJECT: ARNERICH ROAD NO. 1 REORGANIZATION
FEBRUARY 6, 2006

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 in 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 one valid written protest to the reorganization proceedings was 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