

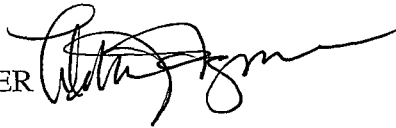


MEETING DATE: 3/20/06
ITEM NO. 4

COUNCIL AGENDA REPORT

DATE: MARCH 7, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED "KENNEDY ROAD NO. 14," APPROXIMATELY 4.47 ACRES LOCATED AT 17222 FAWNDALE DRIVE (APN: 537-19-022 & 537-20-021)

RECOMMENDATION:

Adopt resolution making determinations and approving the reorganization of territory designated "Kennedy Road No. 14," approximately 4.47 acres located at 17222 Fawndale Drive (APN: 537-19-022 & 537-20-021).

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. The property owner has recently received approval from the Community Development Department to construct a new house on the site.



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 Donald Perrucci (Attachment 2), owners of the property at 17222 Fawndale Drive, requesting annexation to the Town of Los Gatos. The property is located along Kennedy Road, adjacent to the Town's southerly boundary and within the urban service area.

PREPARED BY:


JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: : PS Assistant Town Manager  Town Attorney Clerk Administrator
 Finance Community Development Revised: 3/7/06 9:13 am

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 2,082 linear feet of the northerly half of Kennedy Road (the southerly half is already in Town limits), in conformance with the Santa Clara County Road Annexation Policy.

The property is in the Town's Urban Services Area, boundary, and is rezoned HR-5 (hillside residential, one dwelling per five (5) acres). Annexation will allow "city" services to be extended to the property.

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, County Light Service Area, and 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	670.00 (received)
State Board of Equalization Fee	350.00 (received)

The petitioner has paid an Annexation Fee to the Town of \$1,200.00.

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:

Resolution making determinations and approving the reorganization of territory designated "Kennedy Road No. 14," approximately 4.47 acres located at 17222 Fawndale Drive (APN: 537-19-022 & 537-20-021).

- A. Legal Description of Kennedy Road No. 14 Annexation.
- B. Plat to Accompany Legal Description.

Distribution:

Donald Perrucci, 96 N. Third Street, Suite 275, San Jose, CA 95112
Terry Szewczyk, 1776 Technology Drive, San Jose, CA 95110

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
"KENNEDY ROAD NO. 14,"
APPROXIMATELY 4.47 ACRES
LOCATED AT 17222 FAWNDALE DRIVE
(APN: 537-19-022 & 537-20-021)**

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 4.47 acres on 17222 Fawndale Drive (APN: 537-19-022 & 537-20-021) has been filed by Donald Perrucci; and

WHEREAS, said territory is uninhabited and all owners of land included in the proposal consent 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 and initiated by resolution of the legislative body, and therefore the Town Council of the Town of Los Gatos is now the conduction authority of said annexation; and

WHEREAS, Government Code Section 56663 (a) provides that if a petition for annexation is signed by all owners of land within the affected territory, the Town Council may approve or disapprove the annexation without a public hearing; and

WHEREAS, evidence was presented to the Town Council;

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

1. That it is the conducting authority pursuant to Section 56757 of the Government Code for the annexation of property designated "Kennedy Road No. 14," more particularly described in Exhibit A and B;
2. That the following finding are made by the Town Council of the Town of Los Gatos:
 - a. That said territory is uninhabited and comprises approximately 4.47 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 required by the Town's agreement with the County of Santa Clara.
 - c. The project is exempt from C.E.Q.A. under the provision of the California Administrative Code, Title 14, Section 15061(b)(3).

- d. The Town Council enacted an ordinance over 25 years ago to pre-zone these properties with a designation of HR-5 (hillside residential, five (5) acres per lot).
 - e. That the territory is within the Town 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 County Surveyor has been reimbursed 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. That 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 has complied with all conditions imposed by the Commission for inclusion of the territory in the Town's urban service area.
- 3. That Santa Clara County and the Santa Clara County Library Service Area, that will lose territory as a result of this reorganization, have consented in writing to a waiver of protest proceedings.
 - 4. That all property owners and registered voters have been provided written notice of this proceeding and no opposition has been received.
 - 5. That said annexation is hereby ordered without any further protest proceedings pursuant to Section 56663 (c/d) and is subject to no terms or 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 20th of March, 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

EXHIBIT A
TOWN OF LOS GATOS
ANNEXATION
KENNEDY ROAD NO. 14

All that certain real property situate in the County of Santa Clara, State of California, being described as follows:

BEGINNING at the Southeasterly corner of that certain annexation to the Town of Lost Gatos entitled "Top of the Hill Road #5, said point also being in the Northerly line of that certain annexation to the Town of Los Gatos entitled "Kennedy Road #7, said point also being in the monument line of Kennedy Road (40 feet wide); thence along the Northerly line of Kennedy Road #7 the following courses and distances:

North 80°02'02" East 57.24 feet,

along a tangent curve to the right, having a radius of 400.00 feet, through a central angle of 16°51'58", an arc distance of 117.75 feet,

South 83°06'00" East 110.61 feet,

along a tangent curve to the left, having a radius of 200.00 feet, through a central angle of 34°46'53", an arc distance of 121.41 feet,

North 62°07'07" East 110.74 feet,

along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 28°21'21", an arc distance of 98.98 feet,

South 89°31'32" East 165.88 feet,

along a tangent curve to the right, having a radius of 100.00 feet, through a central angle of 56°58'29", an arc distance of 99.44 feet,

South 32°33'04" East 110.09 feet,

along a tangent curve to the left, having a radius of 500.00 feet, through a central angle of 09°01'49", an arc distance of 78.80 feet,

South 41°34'53" East 105.21 feet,

along a tangent curve to the right, having a radius of 100.00 feet, through a central angle of $44^{\circ}00'00''$, an arc distance of 76.79 feet,

South $02^{\circ}25'07''$ West 62.11 feet,

along a tangent curve to the right, having a radius of 100.0 feet, through a central angle of $95^{\circ}48'54''$, an arc distance of 167.23 feet,

North $81^{\circ}45'59''$ West 14.96 feet,

North $80^{\circ}45'59''$ West 196.64 feet,

North $74^{\circ}44'14''$ West 179.05 feet,

along a tangent curve to the left, with a radius of 60.00 feet, through a central angle of $162^{\circ}05'00''$, an arc distance of 169.73 feet

to the point of intersection with the Northerly prolongation of the Southeasterly line of that certain parcel of land conveyed to G.A. Shaffer by Deed recorded February 7, 1958 in Book 4001, page 141, Santa Clara County Records; thence along said Southeasterly line, South $02^{\circ}30'00''$ East 23.20 feet to the Southerly line of Kennedy Road (40 feet wide); thence leaving said North line of said Kennedy Road No. 7 along the said Southerly line of Kennedy Road, along a curve to the left having a radius of 80.00 feet, through a central angle of $11^{\circ}15'00''$, an arc distance of 15.71 feet; thence North $12^{\circ}11'26''$ East 40.00 feet to the Northerly line of Kennedy Road (40.00 feet in width); thence along said Northerly line the following courses:

along a curve to the right, having a radius of 40.00 feet, from a point with a radial bearing of North $12^{\circ}11'26''$ East, through a central angle of $183^{\circ}04'20''$, an arc distance of 127.81 feet,

South $74^{\circ}44'14''$ East 180.10 feet,

South $80^{\circ}45'59''$ East 197.87 feet,

South $81^{\circ}45'59''$ East 15.13 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of $95^{\circ}48'54''$, an arc distance of 200.67 feet,

North $02^{\circ}25'07''$ East 62.11 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of $33^{\circ}38'57''$, an arc distance of 70.47 feet

to the South line of Parcel B, as said Parcel is shown upon that certain Record of Survey field in Book 216 of Maps at page 21, Santa Clara County Records; thence along said South line, North $88^{\circ}57'47''$ East 281.46 feet to the Southeast corner of said Parcel B; thence along the East line of said Parcel B, North $01^{\circ}02'13''$ West 179.46 feet; thence leaving said East line, South $49^{\circ}56'03''$ East 156.57 feet; thence South $66^{\circ}41'11''$ East 158.74 feet; thence North $10^{\circ}57'57''$ East 8.02

feet; thence North 47°44'57" East 77.65 feet; thence North 01°50'57" East 49.67 feet; thence North 62°21'02" West 154.40 feet; thence North 70°28'13" West 128.02 feet; thence South 86°37'06" West 69.93 feet to the East line of said Parcel B; thence along said East line, North 01°02'13" West 57.98 feet; thence leaving said East line, North 59°05'54" West 346.96 feet; thence South 00°59'13" East 458.80 feet to the said Northerly line of Kennedy Road; thence along said Northerly line the following courses:

North 41°34'53" West 103.91 feet,

along a tangent curve to the right, having a radius of 480.00 feet, through a central angle of 09°01'49", an arc distance of 75.65 feet,

North 32°33'04" West 110.09 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of 56°58'29", an arc distance of 119.33 feet,

North 89°31'32" West 165.88 feet,

along a tangent curve to the left, having a radius of 220.00 feet, through a central angle of 28°21'21", an arc distance of 108.88 feet,

South 62°07'07" West 110.74 feet,

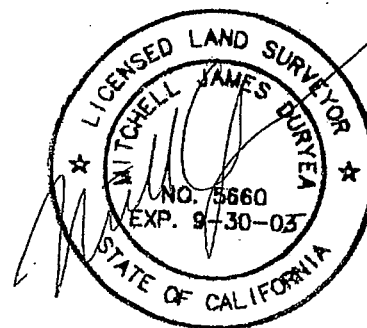
along a tangent curve to the right, having a radius of 180.00 feet, through a central angle of 34°46'53", an arc distance of 109.27 feet,

North 83°06'00" West 110.61 feet,

along a tangent curve to the left, having a radius of 420.00 feet, through a central angle of 16°51'58", an arc distance of 123.64 feet, and

South 80°02'02" West 53.84 feet

to the East line of said Top of the Hill Road #5 Annexation; thence along said East line, South 00°19'09" East 20.29 feet to the said point of beginning, containing 4.47 acres of land, more or less.



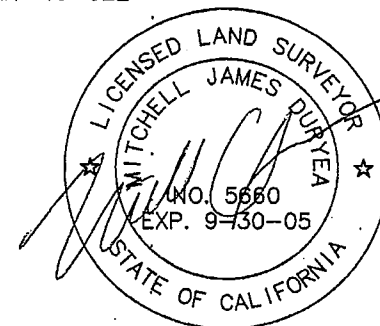
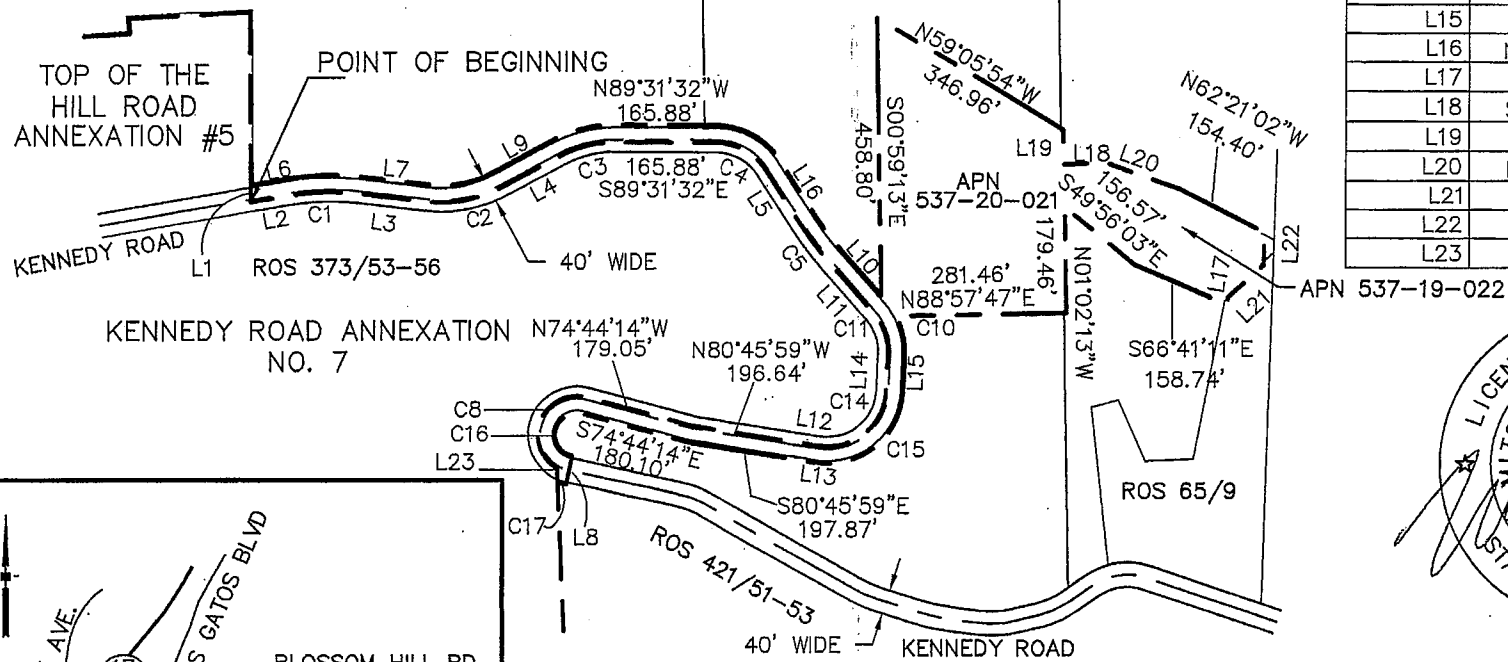
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CURVE	RADIUS	LENGTH	DELTA
C1	400.00'	117.75'	16°51'58"	C16	40.00'	127.81'	183°04'20"
C2	200.00'	121.41'	34°46'53"	C17	80.00'	15.71'	11°15'00"
C3	200.00'	98.98'	28°21'21"				
C4	100.00'	99.44'	56°58'29"				
C5	500.00'	78.80'	09°01'49"				
C6	180.00'	109.27'	34°46'53"				
C7	420.00'	123.64'	16°51'58"				
C8	60.00'	169.73'	162°05'00"				
C9	220.00'	108.88'	28°21'21"				
C10	120.00'	70.47'	33°38'57"				
C11	100.00'	76.79'	44°00'00"				
C12	480.00'	75.65'	09°01'49"				
C13	120.00'	119.33'	56°58'29"				
C14	100.00'	167.23'	95°48'54"				
C15	120.00'	200.67'	95°48'54"				

LINE TABLE

LINE	BEARING	LENGTH
L1	S00°19'09"E	20.29
L2	N80°02'02"E	57.24
L3	S83°06'00"E	110.61
L4	N62°07'07"E	110.74
L5	S32°33'04"E	110.09
L6	S80°02'02"W	53.84
L7	N83°06'00"W	110.61
L8	N12°11'26"E	40.00
L9	S62°07'07"W	110.74
L10	N41°34'53"W	103.91
L11	S41°34'53"E	105.21
L12	N81°45'59"W	14.96
L13	S81°45'59"E	15.13
L14	S02°25'07"W	62.11
L15	N02°25'07"E	62.11
L16	N32°33'04"W	110.09
L17	N10°57'57"E	8.02
L18	S86°37'06"W	69.93
L19	N01°02'13"W	57.98
L20	N70°28'13"W	128.02
L21	N47°44'57"E	77.65
L22	N01°50'57"E	49.67
L23	S02°30'00"E	23.20

SCALE:
1"=300'

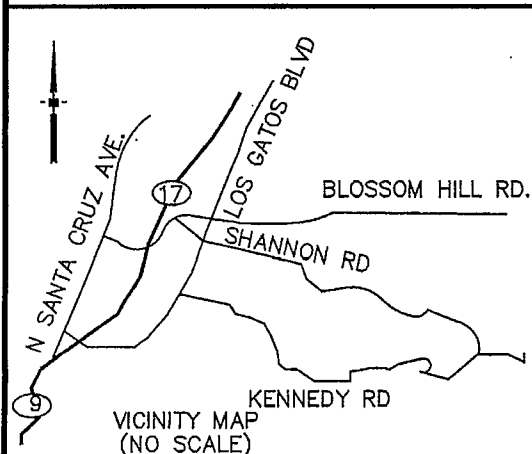


4.47± ACRES

EXHIBIT B
PROPOSED ANNEXATION TO THE
TOWN OF LOS GATOS
ENTITLED:
KENNEDY ROAD NO. 14

DATE: MARCH 2003 SCALE: 1"=300'
BY: TS CIVIL ENGINEERING

REVISED: 9/30/03



--- BOUNDARY LINE OF PROPOSED ANNEXATION
--- EXISTING TOWN LIMITS BOUNDARY