




MEETING DATE: 4/16/07  
ITEM NO: 3

COUNCIL AGENDA REPORT

DATE: April 3, 2007  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER   
SUBJECT: ADOPT RESOLUTION SETTING DATE (MAY 7, 2007) FOR CONSIDERATION OF REORGANIZATION OF UNINHABITED AREA DESIGNATED "ROBIE LANE NO. 4", APPROXIMATELY 1.72 ACRES LOCATED AT 16310, 16322, 16334 AND 16346 ROBIE LANE (APN: 532-06-031, 030, 029 AND 028)

RECOMMENDATION:

Adopt resolution (Attachment 1) setting date for (May 7, 2007) consideration of reorganization of uninhabited area designated "Robie Lane No. 4", approximately 1.72 acres located at 16310, 16322, 16334 and 16346 Robie Lane (APN: 532-06-031, 030, 029 and 028).

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 requested 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. However, legislation that became effective in 2004 now requires us to hold a "protest proceeding" even if the area proposed for annexation is uninhabited and all property owners have consented to the annexation. This first meeting and resolution sets the date for the protest proceeding.

PREPARED BY: KEVIN ROHANI   
Interim Director of Parks and Public Works

N:\B&E\COUNCIL REPORTS\Annex-Robie4 Introduce.doc

Reviewed by: PSJ Assistant Town Manager OK Town Attorney  
\_\_\_\_ Clerk Administrator SC Finance \_\_\_\_ Community Development

DISCUSSION:

The Town has received a petition from Kenneth Hoffman, Chief Petitioner (Attachment 2) and owner of the property at 16322 Robie Lane, requesting annexation of his property and three adjacent properties to the Town of Los Gatos. The property is located in the Robie Lane area, one of the unincorporated "islands" in the County.

In addition to the three lots proposed for annexation, the Town will also be acquiring approximately 517 linear feet of 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 R1:8 (single family residential, 8,000 sq. ft. minimum lot size). Annexation will allow "city" services to be extended to the property and help in fill an existing County "island."

Request for waiver of the protest proceeding has been sent to Santa Clara County and the County Library Service Area. The protest proceeding has been scheduled for May 7, 2007.

The section of Robie Lane along this property does not have curb and gutter. If the project applicant constructs curb and gutter along their frontage at this time, it will be an isolated section with no connection to existing curbs and gutters. Staff has worked with the project applicant and he has agreed to participate in any future Town project to construct curb and gutter on this street and to pay for the cost of curb and gutter along their frontage. A formal agreement will be completed between the Town and the project applicant on this matter.

CONCLUSION:

Staff recommends that the Council accept the staff recommendations noted above.

ENVIRONMENTAL ASSESSMENT:

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)
Santa Clara County Assessor's Review Fee.....	55.00 (paid)
LAFCO Processing Fee.....	959.00 (paid)
State Board of Equalization Fee .....	350.00 (paid)

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MAYOR AND TOWN COUNCIL  
SUBJECT: ROBIE LANE NO. 4 ANNEXATION  
APRIL 3, 2007

The petitioner has paid the Town an Annexation Fee of \$600.00, a Computer Service Fee of \$24.00, and a Microfiching Fee of \$49.50.

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

Attachments:

1. Resolution making determinations and approving the reorganization of territory designated "Robie Lane No. 4" approximately 1.72 acres located at 16310, 16322, 16334 and 16346 Robie Lane (APNs: 532-06-031, 030, 029 and 028) - (with Exhibits A and B).
  - a. Legal Description of Robie Lane No. 4 Annexation.
  - b. Plat to Accompany Legal Description.
2. Petition for Annexation

Distribution:

Kenneth Hoffman & Nicole Cushing, 16322 Robie Lane, Los Gatos, CA 95032  
Deanna Destri & Mark Wander, 16310 Robie Lane, Los Gatos, CA 95032  
Farshad and Milodfar Niknam, 16334 Robie Lane, Los Gatos, CA 95032  
Dorothy Gimelli, 16346 Robie Lane, Los Gatos, CA 95032

## RESOLUTION

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
SETTING DATE FOR CONSIDERATION OF REORGANIZATION  
OF UNINHABITED TERRITORY DESIGNATED

“ROBIE LANE NO. 4,”

PROPERTY LOCATED AT 16310, 16322, 16334 and 16346 Robie Lane;  
APPROXIMATELY 1.72 ACRES (APN: 532-06-031, 030, 029 and 028)

**WHEREAS**, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated “Robie Lane No. 4” from Kenneth L. Hoffman, Chief Petitioner; and

**WHEREAS**, the property, 1.72 acres, more or less, at 16310, 16322, 16334 and 16346 Robie Lane (APN: 532-06-031, 030, 029 and 028) is contiguous to the Town of Los Gatos and is within its urban service area; and

**WHEREAS**, the following special district would be affected by the proposal: Santa Clara County Library Service Area; and

**WHEREAS**, the annexation would provide for use of Town services; and

**WHEREAS**, this territory was pre-zoned over 25 years ago to Town of Los Gatos rezoning R1:8 (single family residential, 8,000 sq. ft. minimum lot size); and

**WHEREAS**, the Town of Los Gatos, as Lead Agency for environmental review for the reorganization has determined annexation of the subject property is exempt for the California Environmental Quality Act guidelines, pursuant to Section 15061(b)(3); and

**WHEREAS**, the County Surveyor of Santa Clara County has found the description and map (Exhibits “A” and “B”) to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO’s street annexation policies; and

**WHEREAS**, as provided in Government Code Section 56757, the Town Council of the Town of Los Gatos shall be the conducting authority for a reorganization including an annexation to the Town; and

**WHEREAS**, the territory is uninhabited and all owners of land included in the proposal have consented to this 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 public hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Los Gatos hereby initiates annexation proceedings and will consider annexation of the territory designated as "Robie Lane No. 4" at their regular meeting of May 7, 2007. Fees for frontage improvements shall be deferred pursuant to an agreement with the applicant.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 16th day of April 2007, 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"

### ANNEXATION TO THE TOWN OF LOS GATOS ROBIE LANE # 4 (Revised 3-10-07)

All that certain real property, situate in the Unincorporated area of Santa Clara County, California being a portion of the Rancho Rinconada de Los Gatos, more specifically Robie Lane and all of Lots 1,2,3, and 4 as shown on the Map entitled "Tract No. 559" filed October 18, 1948 in Book 20 of Maps at page 34, at the Recorder's office of Santa Clara County , described as follows:

**BEGINNING** at a point on the current Town of Los Gatos Boundary as established by and being the most northerly corner of the Annexation entitled "Robie Lane No. 2" also being the most easterly corner of the Annexation entitled "Northeast # 8";

Thence (1) northeasterly along the Town of Los Gatos boundary as established by said Annexation "Northeasterly #8", North 20°43'30" East, 124.59 feet;

Thence (2) continuing along said Town of Los Gatos Boundary and said Annexation "Northeasterly #8", North 78°43'00" West, 30.41 feet;

Thence (3) along the northwesterly line of Robie Lane being the current Town of Los Gatos Boundary as established by the Annexation entitled "Robie Lane No. 1 and a portion of the southeasterly line of the Annexation entitled "Shannon Road No. 15", North 20°43'30" East, 392.61 feet to a point on the current Boundary of the Town of Los Gatos also being the most westerly corner of the Annexation entitled Shannon Road # 21;

Thence (4) continuing along line of the Town of Los Gatos as established by last said Annexation "Shannon Road #21, southwesterly, also being the northeasterly line of Robie Lane, South 78°43'00" East, 77.76 feet to the point of cusp of a curve concave to the south;

Thence (5) along the arc of said curve having a Radius of 20.00 the center of which bears South 11°17'00" West, through a central angle of 80°33'28", an arc distance of 28.12 feet;

Thence (6) along the southeasterly line of Robie Lane, South 20°42'00" West, 205.24 feet to the most northerly corner of said Lot 1;

Thence (7) along the northeasterly line of Lot 1 South 69°16'30" East, 157.73 feet;

Thence (8) along the southeasterly line of said Lots 1,2,3 and 4, South 20°42'00" West, 300.00 feet to the northeasterly line of the current Town of Los Gatos boundary as established by said Annexation "Robie Lane No. 2";

Thence (9) along said line and Town Boundary, North 69°16'30" West, 187.86 feet to the **POINT OF BEGINNING** and containing 1.72 acres of land more or less.

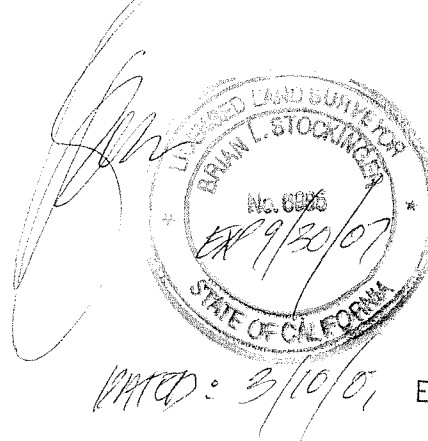
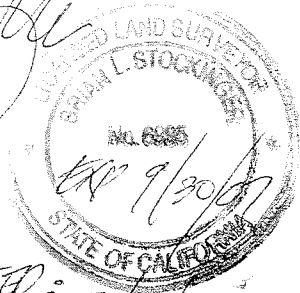
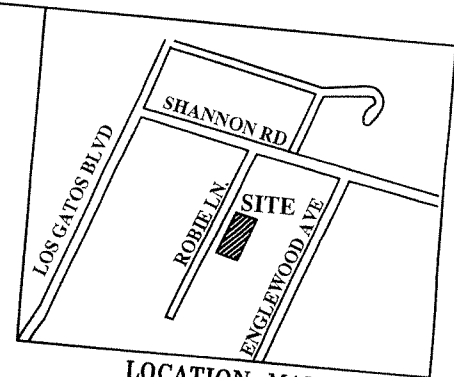


EXHIBIT A



DATE: 3/10/07

# RANCHO RINCONADA DE LOS GATOS



LOCATION MAP  
NO SCALE

EXISTING TOWN OF LOS GATOS  
AS ESTABLISHED BY ANNEXATION  
NORTHEAST # 8

EXISTING TOWN OF LOS GATOS LIMITS  
AS ESTABLISHED BY ANNEXATION  
NORTHEAST # 8

EXISTING TOWN OF LOS GATOS LIMITS  
AS ESTABLISHED BY ANNEXATION  
ROBIE LN # 2

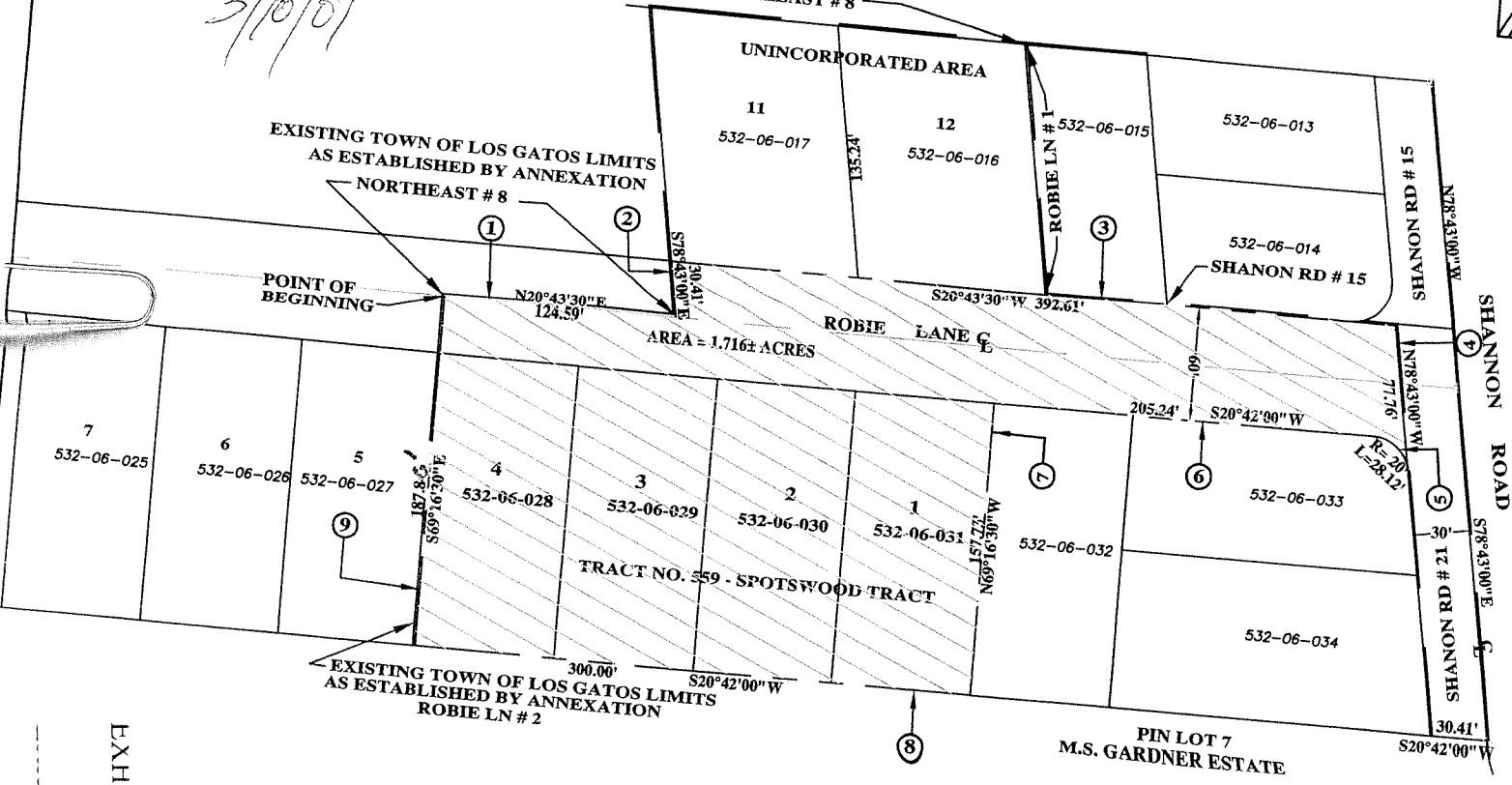
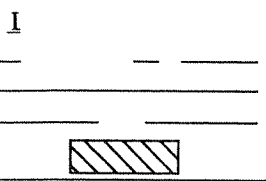


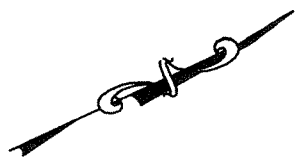
EXHIBIT B



--- BOUNDARY LINE OF PROPOSED ANNEXATION  
 --- STREET CENTER LINE  
 --- EXISTING TOWN LIMITS LINE  
 [Hatched Box] PROPOSED ANNEXATION

**EXHIBIT B**  
 PROPOSED ANNEXATION  
 TO THE TOWN OF LOS GATOS  
 ENTITLED ROBIE LN. "4"

DATE: 1/22/2007	SCALE: 1" = 100'
REV. DATE: 3/10/2007	
BY: NNR ENGINEERING	



# 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-Hertzberg Local Government Reorganization Act of 2000).

2. The proposed annexation is designated as: (To be completed by Town Staff)

Robie Lane No. 4 and consists of  
Annexation to the Town of Los Gatos of 1.72 ± acres acres on the (N/S/E/W) side  
of Robie Lane (street name) between South of  
(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:

OBSTAW MUNICIPAL SERVICES  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

NO CONDITIONS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENT 3





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 ( )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.
	16322 ROBIE LANE LOS GATOS, CA	532-06-030-00
KENNETH L. HOFFMANN		
DATE: 12/15/06	Phone: H - 408-356-5615	W - 408 972-7211
	16322 Robie Lane LOS GATOS, CA 95032	532-06-030-00
NICOLE CUSHING		
DATE: 12/15/06	Phone: H - 408.356.5615	W - 408.350.3274
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) 399-5771**

**SUPPLEMENTAL PETITION**

FOR THE ANNEXATION OF TERRITORY KNOWN AS

Robie Lane No. 4

TO THE TOWN OF LOS GATOS

SIGNATURES OF PETITIONERS (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
DEANNA DICESTI <i>Deanna Dicesti</i>	16310 ROBIE LN LOS GATOS, CA 95032	532-06-031-00
Date: 12-17-06	Phone: H - 408 356 5325 W - 408 218 4744	
Mark Wander <i>Mark Wander</i>	16310 Robie Lane Los Gatos CA 95032	532-06-031-00
Date: 12-17-06	Phone: H - 408 356-5325 W - 408-265-2600	
FARSHAD NIKNAM <i>Farshad Niknam</i>	16334 ROBIE LN LOS GATOS, CA 95032	532-06-029-00
Date: 12-17-06	Phone: H - 408 358 5511 W - 408 738-0400	
NILODFAR NIKNAM <i>Nilodfar Niknam</i>	16334 ROBIE LN LOS GATOS, CA 95032	532-06-029-00
Date: 12/17/06	Phone: H - 408 358-5511 W - SAME	
Dorothy D. Gimelli <i>Dorothy D. Gimelli</i>	16346 Robie Ln. Los Gatos, CA 95032	532-06-028-00
Date: 12-18-06	Phone: H - 408-356-7367 W - N/A	
Date:	Phone: H - W -	