



MEETING DATE: 5/7/07
ITEM NO: 5

COUNCIL AGENDA REPORT

DATE: APRIL 24, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Debra J. Figone", written over a horizontal line.

SUBJECT: ADOPT 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 (APN: 532-06-031, 030, 029 AND 028)

RECOMMENDATION:

Adopt resolution (Attachment 1) 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 (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 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 (Attachment 2) from Kenneth Hoffman, chief petitioner, owner of the property at 16322 Robie Lane, requesting annexation to the Town of Los Gatos. The property is located in the Shannon Road/Robie Lane area, one of the "islands" of unincorporated County land.

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

A handwritten signature in black ink, appearing to read "Kevin Rohani", written over a horizontal line.

NA\ENGINEERING\COUNCIL REPORTS\Annex-Robie-4 Approve.doc

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

MAYOR AND TOWN COUNCIL

SUBJECT: ADOPT 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 (APN: 532-06-031, 030, 029 AND 028)

APRIL 24, 2007

On April 16, 2007, the Council adopted Resolution 2007-037, setting the date for the consideration of the reorganization of Robie Lane No. 4. 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 (Attachments 3 and 4).

In addition to the lots proposed for annexation, the Town will also be acquiring approximately 571 linear feet of Robie Lane, in conformance with the Santa Clara County LAFCO Street Annexation Policy.

The property is in the Town's Urban Services Area, boundary, and is prezoned R1:8 (single family residential, 8,000 sq. ft. minimum lot size). Annexation will allow "city" services to be extended to the property.

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)

The petitioner has paid the Town an Annexation Fee of \$600.00, a Computer Service Fee of \$24.00, and a Microfiching Fee of \$25.00.

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.

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MAYOR AND TOWN COUNCIL

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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 (APN: 532-06-031, 030, 029 and 028).
 - A. Legal Description of Robie Lane No. 4 Annexation
 - B. Plat to Accompany Legal Description.
2. Petition for Annexation
3. Consent to Waive Protest Proceedings – Santa Clara County
4. Consent to Waive Protest Proceedings – County Library Service Area

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

Michael Lopez, Planning Manager; Environmental Resources Agency, 7th Floor; County
Government Center, East Wing; 70 W. Hedding Street, 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
“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)**

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 1.72 acres at 16310, 16322, 16334 and 16346 Robie Lane (APN: 532-06-031, 030, 029 and 028) has been filed by Kenneth Hoffman, Chief Petitioner; 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 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 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 “Robie Lane No. 4,” 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 uninhabited and comprises approximately 1.72 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 30 years ago to pre-zone these properties with a designation of R1:8 (single family residential, 8,000 sq. ft. minimum lot size).
 - 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 street 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.

BE IT FURTHER RESOLVED that fees for frontage improvements for 16322 Robie Lane (APN: 532-06-030) shall be deferred, pursuant to an agreement with the property owner.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 7th of May 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;

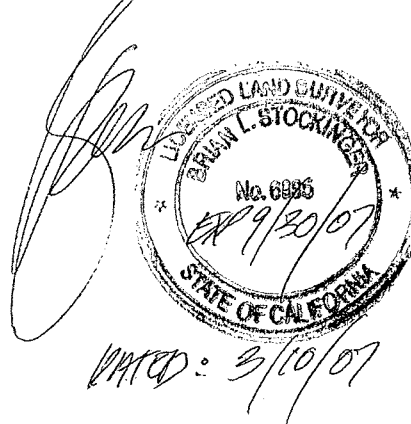
Thence (5) along the arc of said curve having a Radius of 20.00 the center of which bears South 11°17'00" West, through a central angle of 80°33'28", an arc distance of 28.12 feet;

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;

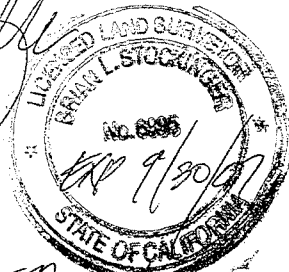
Thence (8) along the southeasterly line of said Lots 1,2,3 and 4, South 20°42'00" West, 300.00 feet to the northeasterly line of the current Town of Los Gatos boundary as established by said Annexation "Robie Lane No. 2";

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.

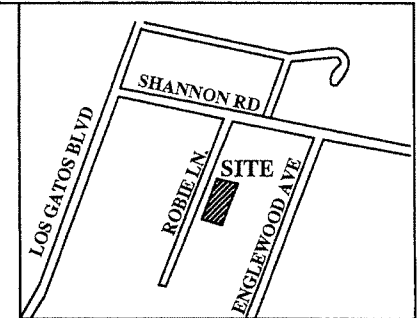


ATTACHMENT A

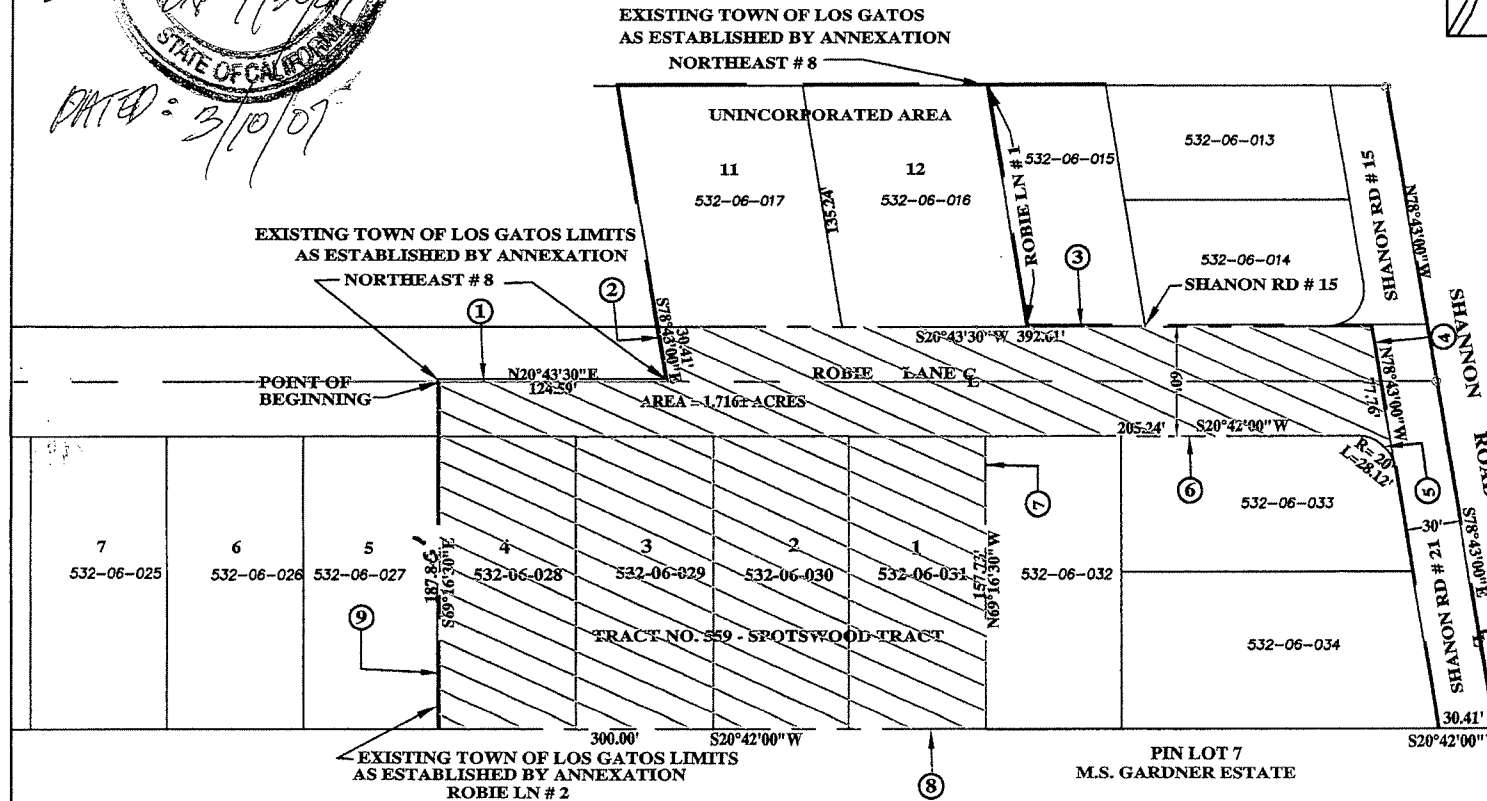
RANCHO RINCONADA DE LOS GATOS



DATE: 3/10/07



LOCATION MAP
NO SCALE



LEGEND

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

EXHIBIT B

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)

X 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:

OBTAIN MUNICIPAL SERVICES

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

NO CONDITIONS

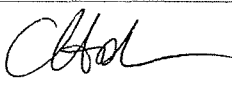

8. The person(s) signing this petition has/have signed as (check one):

☒ 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	532-06-030-20
KENNETH L. HOFFMAN		
DATE: 12/15/06	Phone: H - 408-356-5615 W - 408 972-7221	
	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 DRESTI <i>Deanna Dresti</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	
NILOOFAR NIKNAM <i>Nilofar 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 -	

CONSENT TO WAIVE PROTEST PROCEEDINGS

This form must be completed by agencies losing or gaining territory if they desire that protest proceedings be waived.

DESIGNATED TITLE OF PROPOSAL: Robie Lane No. 4

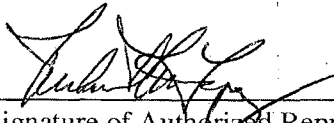
Brief Description of Proposal:

This proposal is to annex four parcels of residential property and approximately 517 linear feet of Robie Lane to the Town of Los Gatos. It is adjacent to the Town boundary, within the Town's Urban Service Area Boundary, not under the Williamson Act, does not create "islands", conforms to lines of assessment and has less than 12 registered voters.

Addresses: 16310, 16322, 16334 & 1646 Robie Lane, Los Gatos, CA 95032

Assessor's Parcel Numbers: 532-06-031, 030, 029 & 028

The County of Santa Clara, losing territory as a result of this proposal does hereby consent to the waiver of protest proceedings in accordance with Government Code Section 56663 (c) & (d):


Signature of Authorized Representative

4/10/07
Date

Planning Manager
Title of Representative

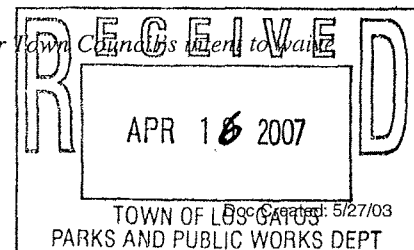
In the case of inhabited (12 or more registered voters) or uninhabited city or district annexations or detachments or both, § 56663 (c) & (d) of Government Code allows for waiver of protest proceedings if:

Uninhabited area [§56663(c)] Area with less than 12 registered voters	Inhabited area [§56663(d)] Area with 12 or more registered voters
All owners of land within affected area consent to annexation	Town provided written notice (of project and Town's intent to not hold a protest proceeding) to all property owners and registered voters and if no written opposition is received from them prior to conclusion of meeting
All affected agencies that gain or lose territory give written consent to waiver of protest proceedings	All affected agencies that gain or lose territory give written consent to waiver of protest proceedings

If at the public hearing there is opposition expressed regarding the proposal or Town Council's intent to waive protest proceedings, then protest proceeding will be required.

Enclosures: Detailed Map and Description of proposal

N:\B&E\ANNEXATIONS\Robie Ln-04\04-Waiver Form-SSC.wpd



ATTACHMENT 3

CONSENT TO WAIVE PROTEST PROCEEDINGS

This form must be completed by agencies losing or gaining territory if they desire that protest proceedings be waived.

DESIGNATED TITLE OF PROPOSAL: Robie Lane No. 4

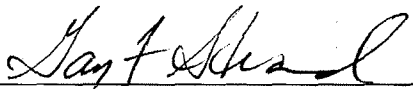
Brief Description of Proposal:

This proposal is to annex four residential parcels and approximately 517 linear feet Robie Lane containing 1.72 acres to the Town of Los Gatos. It is adjacent to the Town boundary, within the Town's Urban Service Area Boundary, not under the Williamson Act, does not create "islands", conforms to lines of assessment and has less than 12 registered voters.

Addresses: 16310, 16322, 16334 & 1646 Robie Lane, Los Gatos, CA 95032

Assessor's Parcel Numbers: 532-06-031, 030, 029 & 028

The Santa Clara County Library Service Area, losing territory as a result of this proposal does hereby consent to the waiver of protest proceedings in accordance with Government Code Section 56663 (c) & (d).



Signature of Authorized Representative

3/27/07

Date

Administrative Services Manager III _____

In the case of inhabited (12 of more registered voters) or uninhabited city or district annexations or detachments or both, § 56663 (c) & (d) of Government Code allows for waiver of protest proceedings if:

<i>Uninhabited area [§56663(c)] Area with less than 12 registered voters</i>	<i>Inhabited area [§56663(d)] Area with 12 or more registered voters</i>
<i>All owners of land within affected area consent to annexation</i>	<i>Town provided written notice (of project and Town's intent to not hold a protest proceeding) to all property owners and registered voters and if no written opposition is received from them prior to conclusion of meeting</i>
<i>All affected agencies that gain or lose territory give written consent to waiver of protest proceedings</i>	<i>All affected agencies that gain or lose territory give written consent to waiver of protest proceedings</i>

If at the public hearing there is opposition expressed regarding the proposal or Town Council's intent to waive protest proceedings, then protest proceeding will be required.

Enclosures: Detailed Map and Description of proposal