



MEETING DATE: 11/05/07

ITEM NO.

4

COUNCIL AGENDA REPORT

DATE: October 26, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: PAMELA JACOBS, INTERIM TOWN MANAGER *P. Jacobs*

SUBJECT: ADOPT RESOLUTION SETTING DATE FOR CONSIDERATION OF REORGANIZATION OF AN UNINHABITED AREA DESIGNATED AS MARCHMONT DRIVE NO. 2, APPROXIMATELY .28 ACRES LOCATED AT 16666 MARCHMONT DRIVE (APN: 532-08-006); FILE #AN07-143.

RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated Marchmont Drive No. 2, approximately .28 acres located at 16666 Marchmont Drive (APN: 532-08-006)

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 annexation independent from any development applications with the Town.

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 the Town 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.

A handwritten signature in black ink, appearing to read "Bud N. Lortz".

PREPARED BY: Bud N. Lortz, Director of Community Development

Reviewed by: _____ Assistant Town Manager *OK* Town Attorney _____ Clerk *sc* Finance
_____ Community Development

Revised: 10/26/07 10:23 AM

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

SUBJECT: MARCHMONT DRIVE NO. 2; FILE #AN07-143.

November 5, 2007

DISCUSSION:

The Town has received a petition from Anita Hunter, owner of the property at 16666 Marchmont Drive, requesting annexation to the Town of Los Gatos. The property is located in an unincorporated "island" of the County. No roadway is required to be included with this annexation.

The property is in the Town's Urban Services Area, is contiguous to a Town boundary, and is pre-zoned R1:8 (single family residential, 8,000 sq. ft. minimum lot size). Annexation will allow Town services to be extended to the property and help fill an existing County "island."

Santa Clara County Planning and the the County Library Service Area have consented to waive protest proceedings. The protest proceeding has been scheduled for December 3, 2007.

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 (paid)
LAFCO Processing Fee	959.00 (due)
State Board of Equalization Fee	\$300.00 (due)

The petitioner has paid an Annexation Fee to the Town of \$2,400.00.

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:

1. Resolution making determinations and approving the reorganization of territory designated Marchmont Drive No. 2, approximately .28 acres located at 16666 Marchmont Drive, with Exhibits A& B.

Distribution:

Anita Hunter, 14107 Taos Drive, Saratoga, CA 95070

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
MARCHMONT DRIVE NO. 2
APPROXIMATELY .28 ACRES
LOCATED AT 16666 MARCHMONT DRIVE
(APN: 532-08-006)**

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 .28 acres on Marchmont Drive (APN 532-08-006) has been filed by Anita Hunter; 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 in 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 as Marchmont Drive No. 2, 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 .28 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 20 years ago pre-zoning the subject territory with an R1:8 (single family residential, 8,000 sq. ft. minimum lot size) zoning designation.
 - 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 November 5, 2007, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

MISSION ENGINEERS, INC.

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EXHIBIT "A" **Revised 8-01-07** **ANNEXATION TO THE TOWN OF LOS GATOS** **MARCHMONT DRIVE #2**

All that certain real property, situate in the unincorporated area of Santa Clara County, State of California, being a portion of Section 22, Township 8 South, Range 1 West, Mount Diablo Meridian, more specifically being all of Lot 24 as shown on that certain Map entitled

"Tract No. 328, Kenwood Acres" filed June 25, 1946 in Book 10 of Maps at Page 56, Santa Clara County Records, and being more particularly described as follows:

BEGINNING at a point on the current Town of Los Gatos boundary as established by the Annexation entitled "Kennedy Road #1" and lying thereon South 74° 21' 45" East 32.36' from the Northwest corner thereof, said point being the Southwest corner of said Lot 24;

Thence (1) along said Town of Los Gatos boundary, South 74° 21' 45" East, 95.19 feet to the Southeast corner of said Lot 24;

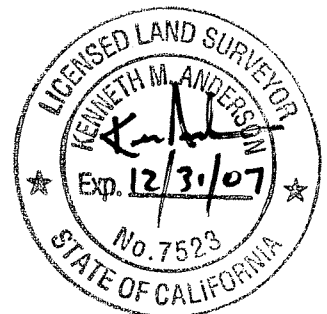
Thence (2) leaving said boundary, along the East line of said lot 24, North 12° 08' 15" East, 134.58 feet, to the Northeast corner of said Lot 24;

Thence (3) along the North line of said Lot 24, North 77° 51' 45" West, 30.41';

Thence (4) along a curve to the right having a Radius of 660.00 feet, through a Central Angle of 4° 31' 00", an Arc Distance of 52.03 feet;

Thence (5) North 73° 20' 45" West, 10.28' to the Northwest corner of said Lot 24;

Thence (6) along the West line of said Lot 24, South 13° 10' 15" West, 131.65 feet to the **POINT OF BEGINNING** and containing 0.285 acres of land more or less.
End of description.



MARCHMONT DRIVE (60' WIDE)

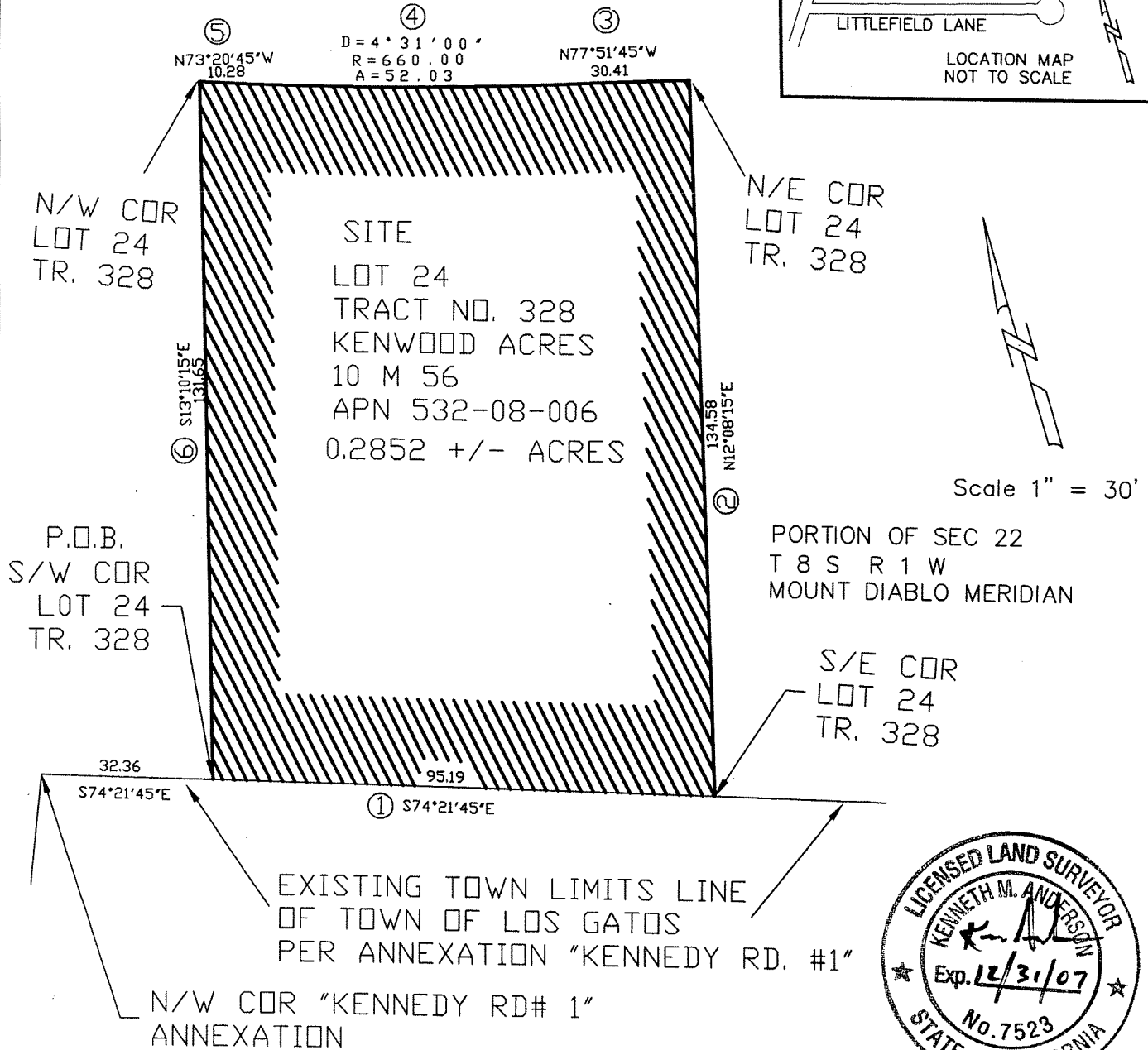
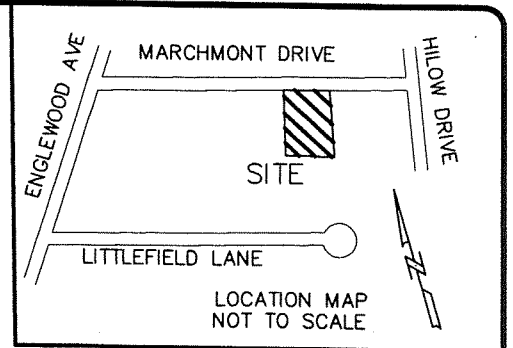
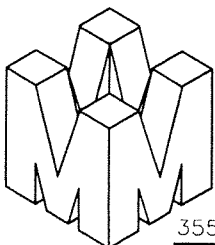


EXHIBIT " B "

PROPOSED ANNEXATION TO THE
TOWN OF LOS GATOS ENTITLED
MARCHMONT DRIVE # 2



MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953
355 Reed St. Santa Clara, Calif 95050 (408) 727-8262 FAX: (408) 727-8285

SCALE: 1"=30'
DATE REV 8-01-07
DWN KA
CH'KD