



MEETING DATE: 1/22/08
ITEM NO. 6
CONSENT ITEM

COUNCIL AGENDA REPORT

DATE: January 14, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER *[Signature]*

SUBJECT: ADOPT RESOLUTION MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED EAST LA CHIQUITA AVENUE NO.1, APPROXIMATELY .65 ACRES LOCATED AT 16357 EAST LA CHIQUITA AVENUE (APN: 532-04-035); FILE #AN07-145.

RECOMMENDATION:

Adopt resolution making determinations and approving the reorganization of territory designated East La Chiquita Avenue No.1, approximately .65 acres located at 16357 East La Chiquita Avenue (APN: 532-04-035).

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 in conjunction with a request to demolish an existing single family residence and construct a new single family residence.

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 annexation was introduced at the December 17, 2007 Town Council meeting.

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

Reviewed by: PSJ Assistant Town Manager _____ Town Attorney _____ Clerk SC Finance
 ✓ Community Development

Revised: 1/14/08 4:04 PM

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MAYOR AND TOWN COUNCIL

SUBJECT: EAST LA CHIQUITA AVENUE NO. 1; FILE #AN07-145.

January 14, 2008

DISCUSSION:

The Town has received a petition from Marlene Gordon (Attachment 2), owner of the property at 16357 East La Chiquita Avenue, requesting annexation to the Town of Los Gatos. The property is located in an unincorporated "island" of the County.

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 305 linear feet of East La Chiquita Avenue, in conformance with the Santa Clara County Road Annexation Policy.

The property is in the Town's Urban Services Area, is within 300 feet of a Town maintained road, and is pre-zoned R-1:8 (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."

Since this is a 100% consent, uninhabited annexation (less than twelve registered voters), a public hearing is not required. However, waiver of the protest (public hearing) must be received from agencies gaining or losing territory with this annexation. Santa Clara County Planning and the County Library Service Area have consented to waive protest proceedings (Attachments 3 & 4).

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 (paid)
State Board of Equalization Fee	\$300.00 (paid)

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.

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MAYOR AND TOWN COUNCIL

SUBJECT: EAST LA CHIQUITA AVENUE NO. 1; FILE #AN07-145.

January 14, 2008

Attachments:

1. Resolution making determinations and approving the reorganization of territory designated East La Chiquita Avenue No.1, approximately .65 acres located at 16357 East La Chiquita Avenue, with Exhibits A & B.
2. Petition for Annexation
3. Protest Waiver, Santa Clara County Planning
4. Protest Waiver, Library Service Area

Distribution:

Marlene Gordon, 16357 E. La Chiquita Avenue, Los Gatos, CA 95949

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
EAST LA CHIQUITA AVENUE NO. 1
APPROXIMATELY .65 ACRES
LOCATED AT 16357 EAST LA CHIQUITA AVENUE
(APN: 532-04-035)

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 .65 acres on 16357 East La Chiquita Avenue (APN: 532-04-035) has been filed by Marlene Gordon; 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 East La Chiquita Avenue No. 1 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 .65 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 R-1:8 (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 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 within 300 feet of 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 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 22nd of January, 2008, 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
EAST LA CHIQUITA AVENUE No. 1

Date: 15 August 2007

Situate in Rancho Rinconada de Los Gatos, County of Santa Clara, State of California.

Being a portion of East La Chiquita Avenue along with all of the lands conveyed from Marlene Gordon, Trustee of The Joseph R. Boyd Revocable Living Trust dated 5/1/97, to Marlene Gordon, a married woman, as her sole and separate property by the Trust Quitclaim Deed recorded April 16, 2007 as Document No. 19385923, Official Records, Santa Clara County Records, and being all of Lot 26 as shown on that certain map entitled "Tract No. 583, Thomas Gion Homesites", as said map is filed in Book 20 at Page 46, Santa Clara County Records, and being more particularly described as follows:

Beginning at a point on the existing Town Boundary of the Town of Los Gatos, said point being at the intersection of the southwesterly boundary of that certain annexation to the Town entitled "Shannon Road No. 22" adopted on February 21, 2006 with the southeasterly line of East La Chiquita Avenue, said point also being on the northwesterly boundary of Lot 1 as shown on that certain map entitled "Tract No. 619, Being a Part of Lot A of a Resubdivision of Lot 8 of the M.S. Gardner Subdivision", as said map is filed in Book 24 of Maps at Page 17, Santa Clara County Records;

Thence from said Point of Beginning:

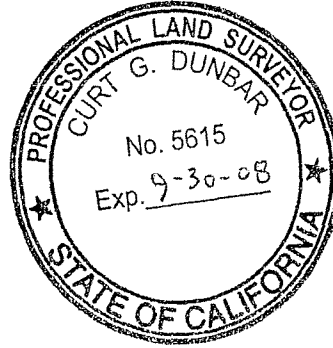
- (1) along said southeasterly line of East La Chiquita Avenue South 19° 40' West 304.71 feet;
- (2) leaving said southeasterly line North 70° 20' West 60.00 feet, a little more-or-less, to the southeastern corner of Lot 26 as shown on said map of Tract No. 583;
- (3) thence along the southwesterly boundary of said Lot 26 North 70° 20' West 133.72 feet, a little more-or-less, to the southwestern corner of said Lot 26;
- (4) thence along the northwesterly boundary of said Lot 26 North 19° 40' East 75.00 feet, a little more-or-less, to the northwestern corner of said Lot 26;
- (5) thence South 70° 20' East 133.72 feet, a little more-or-less, to the northeastern corner of said Lot 26 and the northwesterly line of East La Chiquita Avenue;
- (6) thence along said northwesterly line North 19° 40' East 229.71 feet, a little more-or-less, to the southwestern corner of said annexation entitled "Shannon Road No. 22";

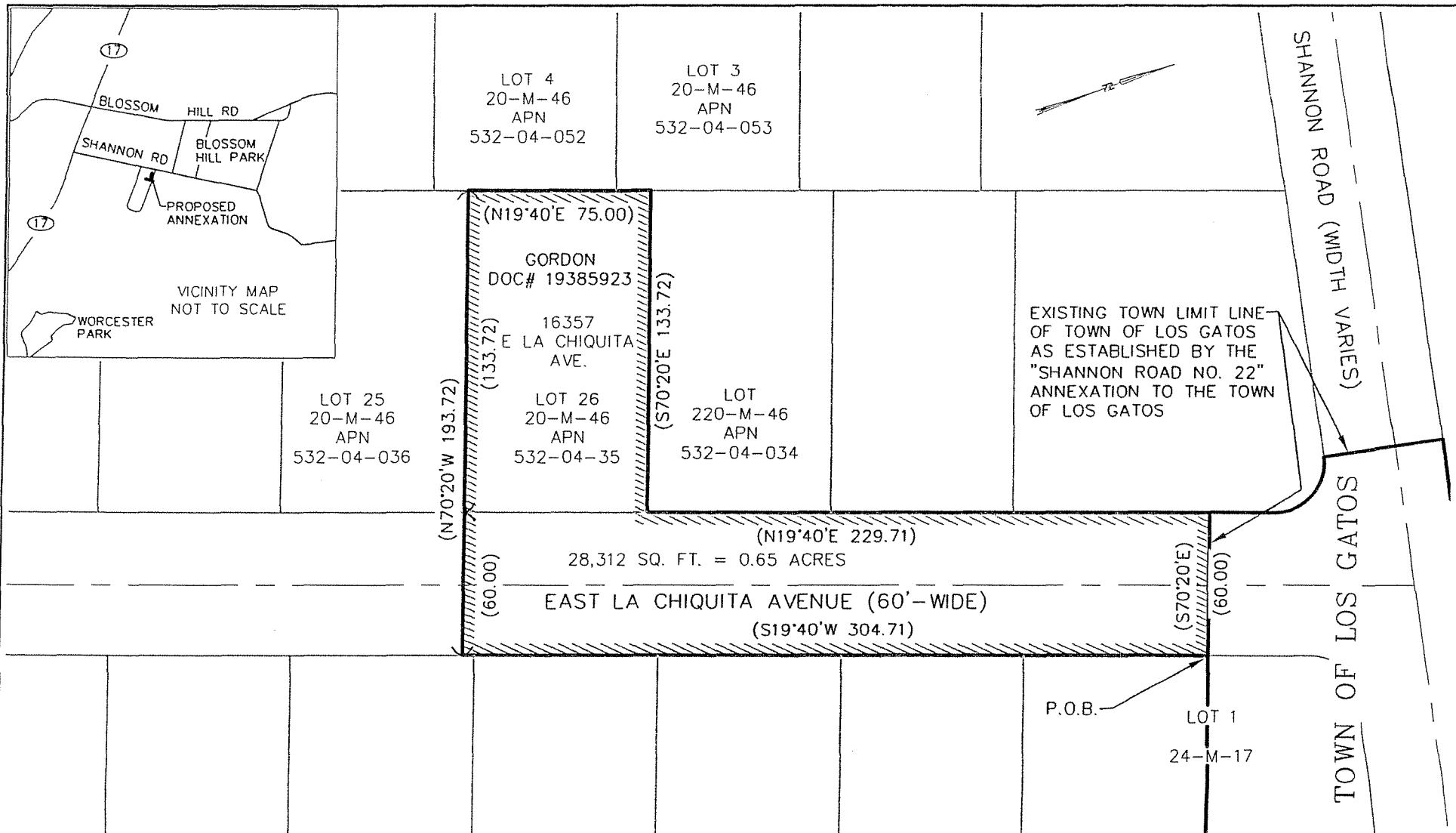
EXHIBIT "A"
ANNEXATION TO THE TOWN OF LOS GATOS
EAST LA CHIQUITA AVENUE No. 1

- (7) thence leaving said northwesterly line, South 70° 20' East 60.00 feet to the **True Point of Beginning** and containing 0.65 acres, more-or-less.



Curt G. Dunbar, PLS 5615
License Renewal Date 9/30/08





Cut + D

PLS NO. 5615

RENEWAL DATE 9/30/2008

EXHIBIT B

APN: 532-04-035

DUNBAR & CRAIG

LAND SURVEYORS

1011 CEDAR STREET SANTA CRUZ CA 425-7533

PROPOSED ANNEXATION
TO THE TOWN OF LOS GATOS
ENTITLED E LA CHIQUITA AVENUE NO. 1
RANCHO RINCONADA DE LOS GATOS

SCALE: 1INCH = 60 FEET

JOB NO. 07160

DATE: AUGUST 15, 2007

DWG: 07160_annexation.dwg

DRAWN: JMG

FILE NO.

Closure Computations for E La Chiquita No. 1

Pt. ID	Bearing	Distance	N	E
1			5000.000	5000.000
	S 19° 40' 00" W	304.710		
2			4713.065	4897.451
	N 70° 20' 00" W	60.000		
3			4733.258	4840.951
	N 70° 20' 00" W	133.720		
4			4778.261	4715.031
	N 19° 40' 00" E	75.000		
5			4848.886	4740.272
	S 70° 20' 00" E	133.720		
6			4803.883	4866.192
	N 19° 40' 00" E	229.710		
7			5020.193	4943.500
	S 70° 20' 00" E	60.000		
1			5000.000	5000.000

Error of closure =	0.000	0.000
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Relative Error of Closure = 1 Part in Infinity

Area = ±28,312 Sq. Ft.

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)

E LA CHAQUITA #1 and consists of
Annexation to the Town of Los Gatos of .65 acres on the (N/S/E/W) side
of E. LA CHAQUITA (street name) between SHANNON RD
(street name) and W. LA CHAQUITA (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:

DEMOLITION OF EXISTING STRUCTURE AND BUILD
NEW RESIDENCE

7. It is desired that the proposed annexation be made subject to the following terms and 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.
<i>M Gordon</i> MARLENE GORDON	16357 E. LA CHIQUITA LOS GATOS, CA 95032	532-04-035
DATE: 8/27/07	Phone: H - (C) 408-540-8479 W - 408 377-8700 x314	
<i>WGH</i> Bill GORDON	16357 E La Chiquita Los Gatos, Calif 95032	
DATE: 8/27/07	Phone: H - 356-1484 W - (408) 558-2951	
DATE:	Phone: H - W -	

For additional signatures, use Supplemental Petition.

WHEN COMPLETE RETURN TO:

**TOWN OF LOS GATOS
PARKS & PUBLIC WORKS DEPARTMENT
41 MILES AVENUE
LOS GATOS, CALIFORNIA 95030**

PHONE: (408) 399-5771

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: East La Chiquita Avenue No. 1

Brief Description of Proposal:

This proposal is to annex a single 0.65 acre parcel of residential property 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.

Address: 16357 East La Chiquita Avenue, Los Gatos, CA 95032
Assessor's Parcel Number: 532-04-035

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

10/29/07

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:

<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

RECEIVED

CONSENT TO WAIVE PROTEST PROCEEDINGS

NOV 20 2007

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

TOWN OF LOS GATOS
PLANNING DIVISION

DESIGNATED TITLE OF PROPOSAL: East La Chiquita Avenue No. 1

Brief Description of Proposal:

This proposal is to annex a single 0.65 acre parcel of residential property 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.

Address: 16357 East La Chiquita Avenue, Los Gatos, CA 95032
Assessor's Parcel Number: 532-04-035

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

11/19/07

Date

Administrative Services Manager III

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:

<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