



MEETING DATE: 01/22/08
ITEM NO. 9
CONSENT ITEM

COUNCIL AGENDA REPORT

DATE: January 4, 2008
TO: MAYOR AND TOWN COUNCIL
FROM: GREG LARSON, TOWN MANAGER *[Signature]*
SUBJECT: ADOPT RESOLUTION SETTING DATE FOR CONSIDERATION OF REORGANIZATION OF AN UNINHABITED AREA DESIGNATED AS STEPHENIE LANE NO. 3, APPROXIMATELY .33 ACRES LOCATED AT 16010 STEPHENIE LANE (APN: 523-25-031); FILE #AN07-144.

RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated Stephenie Lane No. 3, approximately .33 acres located at 16010 Stephenie Lane (APN: 523-25-031).

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 pending Architecture & Site application for 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 first meeting and resolution sets the date for the protest proceeding.

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

Reviewed by: PSJ Assistant Town Manager OK Town Attorney Clerk SO Finance
✓ Community Development

Revised: 1/4/08 4:21 PM

Reformatted: 5/30/02

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: STEPHENIE LANE NO. 3; FILE #AN07-144.

January 22, 2008

DISCUSSION:

The Town has received a petition from Osama & Cindy Nijmeh, owners of the property at 16010 Stephenie Lane (also addressed as 15997 Blossom Hill Road), requesting annexation to the Town of Los Gatos. The property is located in an unincorporated "island" of the County. The annexation includes land area that will be granted to the Town as public right-of-way along both property frontages. The right-of-way grant is also being done in conjunction with the pending Architecture & Site application for a new residence.

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 County Library Service Area have consented to waive protest proceedings. The protest proceeding has been scheduled for February 18, 2008.

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 Stephenie Lane No. 3, with Exhibits A& B.

Distribution:

Cindy Nijmeh, 1017 Curtner Avenue, San Jose, CA 95125

Michael Lopez, Planning Manager; Environmental Resources Agency, 7th Floor; County Government Center, East Wing; 70 W. Hedding Street, San Jose, CA 95110

RESOLUTION 2008 -

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
SETTING DATE FOR CONSIDERATION OF REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
STEPHENIE LANE NO. 3,
PROPERTY LOCATED AT 16010 STEPHENIE LANE;
APPROXIMATELY .33 ACRES (APN: 523-25-031)**

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated Stephenie Lane No. 3 from Osama & Cindy Nijmeh; and

WHEREAS, the property, .33 acres, more or less, at 16010 Stephenie Lane (northeast corner of Stephenie Lane & Blossom Hill Road, APN: 523-25-031) is contiguous to the Town of Los Gatos and is within its urban service area; and

WHEREAS, the following special districts 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, the Town Council enacted an ordinance over 20 years ago pre-zoning the subject territory with an R-1:8 (single family residential, 8,000 sq. ft. minimum lot size) zoning designation; 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 map and description (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 road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the Town Councils 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 to the territory designated as Stephenie Lane No. 3 at their regular meeting of February 18, 2008.

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

TOWN OF LOS GATOS
PLANNING DIVISION

NOV 07 2007

LOT 8
TRACT NO. 460
15 M 29

RECEIVED

EXISTING TOWN LIMITS AS ESTABLISHED
BY STEPHENIE LANE NO.1 ANNEXATION
STEPHENIE LANE
WESTERLY LINE 12.217 ACRE PARCEL, 20 OR 45 N 12°45'00" W 213.08'

SOUTHWESTERLY CORNER
1498 OR 165

APN 523-25-032
CHIRCO TO FRAZIER, 1498 OR 165

N 68°28'00" E 232.64'
124.415'

SOUTHEASTERLY CORNER
1498 OR 165

SCALE: 1"=40'

S 12°45'00" E 80.00'

108.225'

0.3265± ACRES

APN 523-25-031

PORTION BAUMGARTNER TO CHIRCO
20 O. R. 45

109.09'
(S 17°36'56" E)
N 17°38'50" W 129.17'

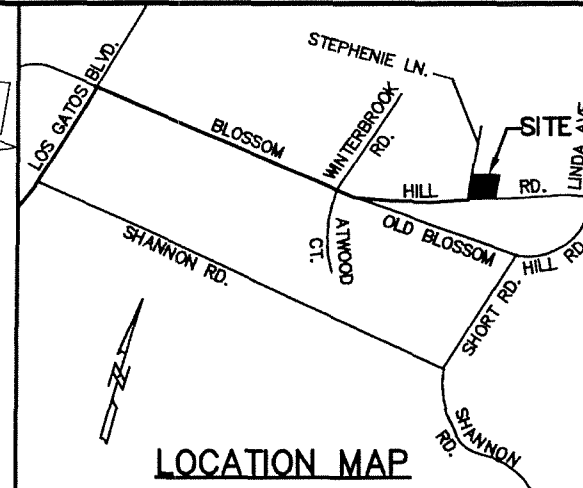
APN 523-25-030

POINT OF BEGINNING
S 67°21'00" W 134.27'

EXISTING TOWN LIMITS AS ESTABLISHED

S 67°21'00" W 135.936' 1143 OR 18
BLOSSOM HILL ROAD

BY WINTERBROOK NO. 1 ANNEXATION

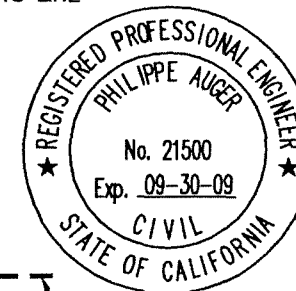


LEGEND

— BOUNDARY LINE OF PROPOSED ANNEXATION
--- EXISTING CITY LIMITS LINE

NOTE:

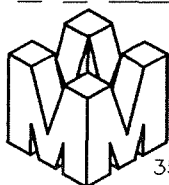
RECORDED BOUNDARY DATA PER
DEED DOC. NO. 18300759 3.



"EXHIBIT B"

PROPOSED ANNEXATION
PORTION RANCHO RINCONADA
TO TOWN OF LOS GATOS
COUNTY OF SANTA CLARA, CALIFORNIA
ENTITLED STEPHENIE LANE NO. 3

DATE: 10-25-07 SCALE: 1"=40'
JOB NO. 07006 DWG NO. S14009 SSME18



MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953

355 Reed St. Santa Clara, Calif 95050 (408) 727-8262 FAX: (408) 727-8285

"EXHIBIT A"

October 25, 2007

**LEGAL DESCRIPTION
ANNEXATION TO: TOWN OF LOS GATOS
NAME OF ANNEXATION: STEPHENIE LANE NO. 3**

(See Mission Engineers, Inc. Drawing No. S-14009 "EXHIBIT B")

Real property in the unincorporated area of the County of Santa Clara, State of California, being a portion of RANCHO RINCONADA described as follows:

Beginning at an angle point in a Northerly boundary line of ANNEXATION WINTERBROOK NO. 1, said angle point being at the intersection of the Northerly boundary line of Blossom Hill Road (20 foot half street as established by said ANNEXATION) as established in the deed from Benedict Chirco, et al, to the County of Santa Clara, dated May 5, 1942 and recorded May 18, 1943 in Book 1143 of Official Records, Page 18, Santa Clara County Records; with the Southwesterly boundary line of the 12.217 acre parcel of land conveyed by Leo Baumgartner, et ux, to Benedict Chirco, by deed recorded March 23, 1923 in Book 20 of Official Records, Page 45, Santa Clara County Official Records;

1. Thence, from said Point of Beginning along a boundary line of said ANNEXATION and said Southwesterly boundary line North 12° 45' 00" West, 10.15 feet to the Southeast corner of ANNEXATION STEPHENIE LANE NO. 1;
2. Thence, continuing along the Easterly boundary line of last said ANNEXATION and being said Southwesterly boundary line of last said land North 12° 45' 00" West, 102.63 feet to the Southwesterly corner of that certain land described in deed filed on August 25, 1947 in Book 1498 at Page 165 Santa Clara County Official Records;
3. Thence, leaving last said ANNEXATION boundary line along the Southeasterly boundary line of last said land North 68° 28' 00" East, 124.415 feet to the Northeasterly boundary line of said land described in Book 20 at Page 45 Santa Clara County Official Records;
4. Thence, along last said line South 17° 36' 56" East, 109.09 feet to said Northerly boundary line of Blossom Hill Road being the Northerly boundary line of said ANNEXATION WINTERBROOK NO. 1;
5. Thence, along last said line South 67° 21' 00" West, 134.27 feet to said Point of Beginning and containing 0.3267 acres, more or less.