



MEETING DATE: 02/19/08

ITEM NO.

4

COUNCIL AGENDA REPORT

DATE: February 1, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

Handwritten signature of Greg Larson.

SUBJECT: ADOPT RESOLUTION MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED STEPHENIE LANE NO. 3 CONTAINING APPROXIMATELY .33 ACRES LOCATED AT 16010 STEPHENIE LANE (APN: 523-25-031). FILE #AN07-144.

RECOMMENDATION:

Adopt a resolution making determinations and approving the reorganization of territory designated Stephenie Lane No. 3, containing 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 is either contiguous to a Town boundary or within 300 feet of a Town maintained roadway if the use is intensified. The annexation is being requested in conjunction with a pending 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 was initiated by the Town after the property owner filed an annexation petition. The Town is required 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.

PREPARED BY:

Handwritten signature of Bud N. Lortz.

Bud N. Lortz, Director of Community Development

Reviewed by: PS Assistant Town Manager OK Town Attorney Clerk SC Finance
✓ Community Development

Revised: 2/1/08 9:53 AM

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

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

February 13, 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. A portion of the property will be granted as public right-of-way in conjunction with the pending Architecture & Site application. The property is within the Town's Urban Services Area 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.

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. Waivers have been received from Santa Clara County Planning and County Library Service Area.

ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act, annexation of the subject property is categorically exempt. No further environmental analysis is required.

FISCAL IMPACT:

The following fees are assessed by Santa Clara County, LAFCO and the State Board of Equalization, and are paid by the petitioner:

Map, legal description and guideline checking fees	\$2,000.00
LAFCO processing fee	\$959.00
State Board of Equalization fee	\$300.00

The petitioner has also paid a \$2,400.00 annexation fee to the Town. 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 as Stephenie Lane No. 3, with Exhibits A & B.
2. Protest Waiver, Santa Clara County
3. Protest Waiver, Library Service Area

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

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
STEPHENIE LANE NO. 3
APPROXIMATELY .33 ACRES
LOCATED AT 16010 STEPHENIE LANE
(APN: 523-25-031)**

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 .33 acres on the northeast corner of Stephenie Lane & Blossom Hill Road (APN 523-25-031) has been filed by Osama & Cindy Nijmeh; 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 Stephenie Lane No. 3, 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 .33 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 February 19, 2008, 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

"EXHIBIT A"

November 15, 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 an existing Town of Los Gatos boundary line being 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 an existing Town of Los Gatos boundary line being a boundary line of said ANNEXATION WINTERBROOK NO. 1 and said Southwesterly boundary line of 12.217 acre parcel North 12° 45' 00" West, 10.15 feet to the Southeast corner of Town of Los Gatos ANNEXATION STEPHENIE LANE NO. 1;
2. Thence, continuing along the existing Town of Los Gatos boundary line being the Easterly boundary line of said ANNEXATION STEPHENIE LANE NO. 1 and also being said Southwesterly boundary line of 12.217 acre parcel of 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 the existing boundary of the Town of Los Gatos and said ANNEXATION STEPHANIE NO. 1 boundary line, along the Southeasterly boundary line of said land filed in Book 1498 at Page 165 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;

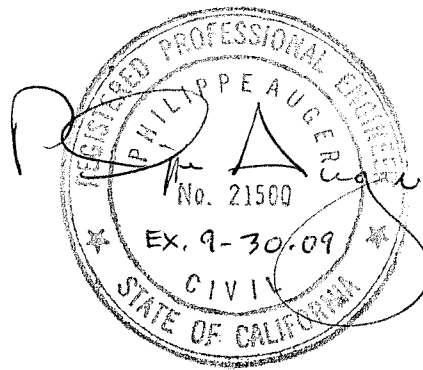
"EXHIBIT A"

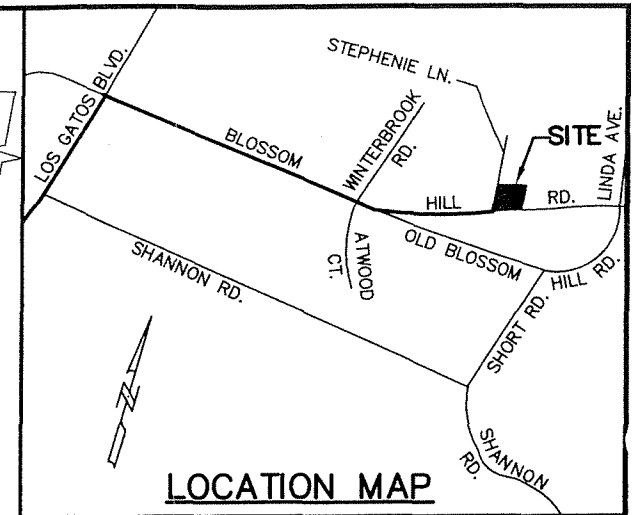
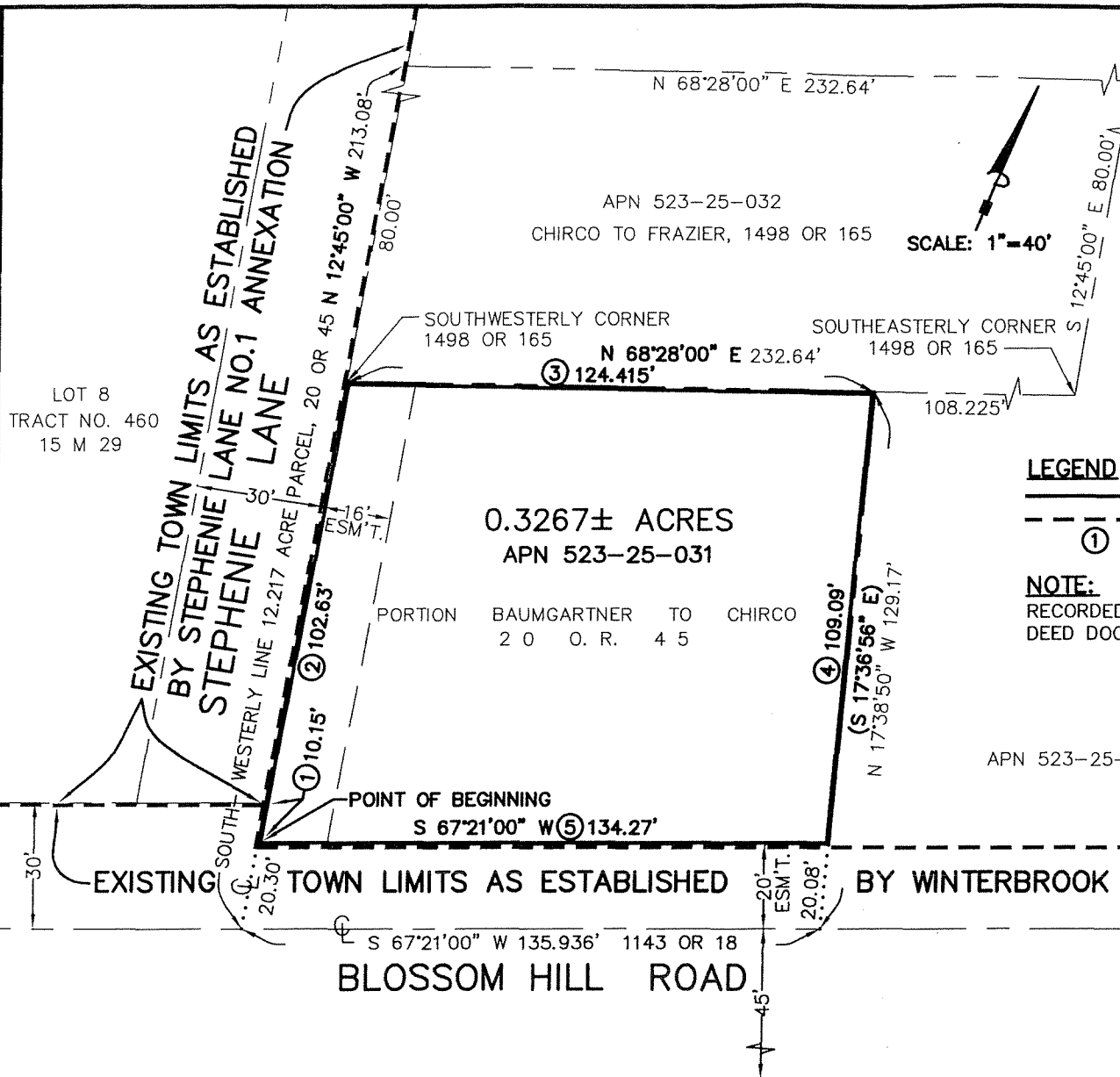
Page 1 of 2

4. Thence, along last said line South $17^{\circ} 36' 56''$ East, 109.09 feet to a boundary line of the Town of Los Gatos being said Northerly boundary line of Blossom Hill Road and also being the Northerly boundary line of said ANNEXATION WINTERBROOK NO. 1;
5. Thence, along last said boundary line of the Town of Los Gatos and said ANNEXATION WINTERBROOK NO. 1 South $67^{\circ} 21' 00''$ West, 134.27 feet to said Point of Beginning and containing 0.3267 acres, more or less.

"EXHIBIT A"

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LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING CITY LIMITS LINE
- ① COURSE NUMBER IN LEGAL DESCRIPTION

NOTE:

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



APN 523-25-030

POINT OF BEGINNING
S 67°21'00" W ⑤ 134.27'

PORTION BAUMGARTNER TO CHIRCO
20 O. R. 45

0.3267± ACRES
APN 523-25-031

EXISTING TOWN LIMITS AS ESTABLISHED
BY WINTERBROOK NO. 1 ANNEXATION

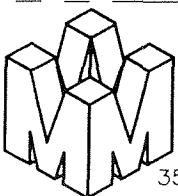
BLOSSOM HILL ROAD

BY WINTERBROOK NO. 1 ANNEXATION

"EXHIBIT B"

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

DATE: 11-15-07	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

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: Stephenie Lane No. 3

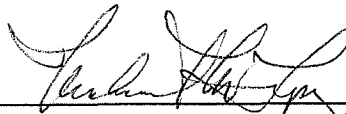
Brief Description of Proposal:

This proposal is to annex a single .33 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: 15997 Blossom Hill Road/16010 Stephenie Lane, Los Gatos, CA 95032

Assessor's Parcel Number: 523-25-031

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

12/31/07

Date

Planning Manager

Title of Representative

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

ATTACHMENT 2

RECEIVED

DEC 10 2007

TOWN OF LOS GATOS
PLANNING DIVISION

CONSENT TO WAIVE PROTEST PROCEEDINGS

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

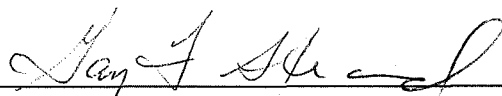
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Address: 15997 Blossom Hill Road/16010 Stephenie Lane, Los Gatos, CA 95032
Assessor's Parcel Number: 523-25-031

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

12/7/07

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:

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ATTACHMENT 3