




MEETING DATE: 03/17/08
ITEM NO. 6
CONSENT ITEM

COUNCIL AGENDA REPORT

DATE: February 29, 2008
TO: MAYOR AND TOWN COUNCIL
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: ADOPT RESOLUTION SETTING DATE FOR CONSIDERATION OF REORGANIZATION OF AN UNINHABITED AREA DESIGNATED AS TOPPING WAY NO. 5, APPROXIMATELY .66 ACRES LOCATED AT 16538 TOPPING WAY (APN: 532-09-027); FILE #AN08-01.

RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated Topping Way No. 5, approximately .66 acres located at 16538 Topping Way (APN: 532-09-027).

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.



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

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

Revised: 2/29/08 12:22 PM

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MAYOR AND TOWN COUNCIL
SUBJECT: TOPPING WAY NO. 5; FILE #AN08-01.
March 17, 2008

DISCUSSION:

The Town has received a petition from Dan Boyd & Gina Florentino Boyd, owners of the property at 16538 Topping Way, requesting annexation to the Town of Los Gatos. The property is located in an unincorporated "island" of the County. The annexation includes a portion of the Topping Way right-of-way extending from Hilow Road to the west property line.

The property is in the Town's Urban Services Area, is within 300 feet of a Town maintained roadway, 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 April 21, 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 are 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 also 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 Topping Way No. 5, with Exhibits A& B.

Distribution:

Dan Boyd & Gina Florentino Boyd, 16538 Topping Way, 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 2008 -

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
SETTING DATE FOR CONSIDERATION OF REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
TOPPING WAY NO. 5,
PROPERTY LOCATED AT 16538 TOPPING WAY;
APPROXIMATELY .66 ACRES (APN: 532-09-027)**

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated Topping Way No. 5 from Dan Boyd & Gina Florentino Boyd; and

WHEREAS, the property, .66 acres, more or less, at 16538 Topping Way, APN: 532-09-027, is within 300 feet of a roadway maintained by 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 Topping Way No. 5 at their regular meeting of April 21, 2008.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th of March 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"
TOPPING WAY ANNEXATION NO. 5
TO TOWN OF LOS GATOS

All that certain property being a portion of Rancho Rinconada De Los Gatos, situated in the County of Santa Clara, State of California.

Beginning at a point on the Northerly right of way line of Topping Way at the Southwesterly corner of Lot 68, as shown on the subdivision map of Kenwood Acres, Tract No. 328 recorded in Book 10 of Maps at Page 56, Santa Clara County Records, said point being the Southwesterly limit of Town of Los Gatos as established by Topping Way Annexation No. 2, approved by Town of Los Gatos Resolution 2003-111, and recorded as Certificate of Completion Document No. 17392885 on October 2, 2003 Santa Clara County Records;

Thence along Southerly line of said town limit and Northerly right of way line of Topping Way (1) South 77 Degrees 51 Minutes 40 Seconds East a length of 83.10 feet;

Thence continuing along said town limit across Topping Way (2) South 01 Degree 39 Minutes 26 Seconds West a length of 61.02 feet to the Southerly rights of way line of Topping Way;

Thence leaving said town limit along the Southerly right of way line of Topping Way (3) North 77 Degrees 51 Minutes 45 Seconds West a length of 219.03 feet to the Northeasterly corner of Lot 64;

Thence along the boundaries of Lot 64 (4) South 12 Degrees 08 Minutes 15 Seconds West a length of 137.00 feet; and

Thence (5) North 77 Degrees 51 Minutes 45 Seconds West a length of 80.00 feet; and

Thence (6) North 12 Degrees 08 Minutes 15 Seconds East a length of 197.00 feet to the Northerly right of way line of Topping Way;

Thence along the Northerly right of way line of Topping Way (7) South 77 Degrees 51 Minutes 45 Seconds East a length of 204.83 feet to the point of beginning.

Containing 0.66 acres more or less.

Disclaimer:

"For assessment purposes only. This description of land Is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis For an offer for sale of the land described."

Revised 2-6-08



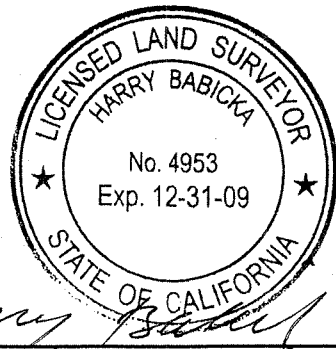
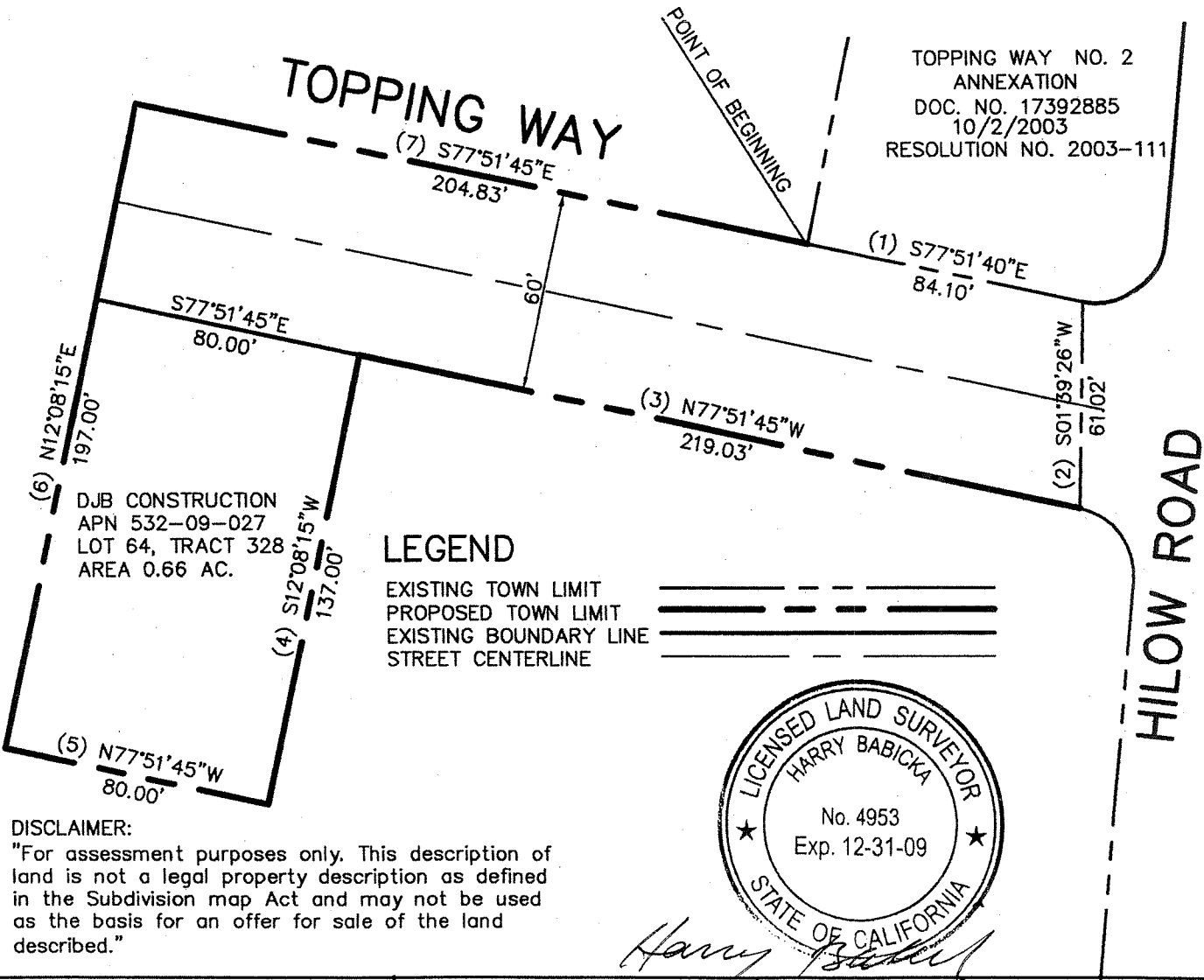
Harry Babicka

EXHIBIT "B"



LOCATION MAP

TOPPING WAY NO. 2
ANNEXATION
DOC. NO. 17392885
10/2/2003
RESOLUTION NO. 2003-111



Harry Babicka

ASSESSOR'S PARCEL NUMBERS: 532-09-027	ACREAGE: 0.66	LAFCO RESOLUTION NO.
WESTFALL ENGINEERS, INC. 14583 BIG BASIN WAY SARATOGA, CA. TEL. 408-867-0244, FAX 408-867-6261	DATE: JANUARY 2008	TOPPING WAY ANNEXATION NO. 5 16538 TOPPING WAY LOS GATOS, CA PORTION OF RANCHO RINCONADA DE LOS GATOS
	SCALE: 1"=50'	
DRAWN BY: JC	REVISIONS: Δ 2-6-08	
CHECKED BY: HB		
JOB NO. 2007-209		