

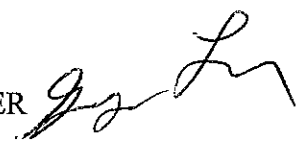


MEETING DATE: 09/15/08
ITEM NO. 7

COUNCIL AGENDA REPORT

DATE: August 7, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED HILOW ROAD NO. 3 CONTAINING APPROXIMATELY 1.12 ACRES LOCATED AT 16362 HILOW ROAD (APN: 532-04-082). FILE #AN08-02.

RECOMMENDATION:

Adopt a resolution making determinations and approving the reorganization of territory designated Hilow Road No. 3, containing approximately 1.12 acres located at 16362 Hilow Road (APN: 532-04-082).

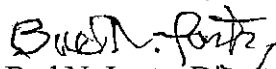
BACKGROUND:

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 August 18, 2008 Town Council meeting.

(Continued on page 2)

PREPARED BY:



Bud N. Lortz, Director of Community Development

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

Revised: 8/7/08 2:40 PM

Reformatted: 5/30/02

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PAGE 2
MAYOR AND TOWN COUNCIL
SUBJECT: HILOW ROAD NO. 3; FILE #AN08-02
August 7, 2008

DISCUSSION:

The Town has received a petition from Farbod and Katayoon Dinyari, owners of the property at 16362 Hilow Road, requesting annexation to the Town of Los Gatos. The property is located in an unincorporated island of the County. The property is within the Town's Urban Services Area boundary 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. 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:

County Surveyor Map, legal description and guideline checking fee	\$2,000.00
County Assessor's fee	\$55.00
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 Hilow Road No. 3, with Exhibits A & B.
2. Protest Waiver, Santa Clara County
3. Protest Waiver, Library Service Area

Distribution:

Farbod & Katayoon Dinyari, 1033 Broadway 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

BNL:SD

RESOLUTION 2008 -

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
HILOW ROAD NO. 3
APPROXIMATELY 1.12 ACRES
LOCATED AT 16362 HILOW ROAD
(APN: 532-04-082)**

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 1.12 acres located at 16362 Hilow Road (APN 532-04-082) has been filed by Farbod and Katayoon Dinyari; 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 Hilow Road 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 1.12 acres, inclusive of road right-of-way.
 - 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 R-1:8 (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 islands 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 a Town maintained roadway.
 - 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 September 15, 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

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July 23, 2008 rev 3
Job No. 06-303

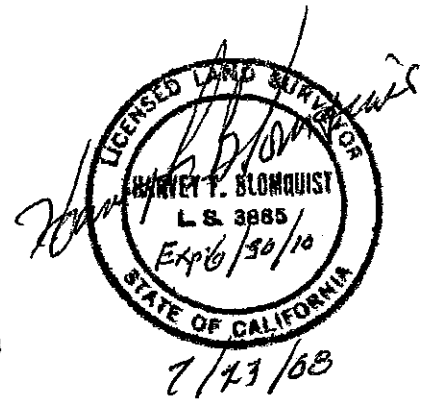


Exhibit "A"
Legal Description for
Annexation to the Town of Los Gatos
Hilow Road No. 3
Lands of Dinyari
16362 Hilow Road, Los Gatos, CA

Being all that certain real property situate in the unincorporated area of the County of Santa Clara, State of California and portion of Rancho Rinconada de Los Gatos, Designated as lot 18 together with a portion of Hilow Road as shown on that certain Tract Map 616 recorded in book 26 of maps at pages 8 and 9, Santa Clara County Records, being more particularly bounded and described as follows:

Beginning at a point on the existing town limit line of Los Gatos as established by resolution 2006-016 Titled "Shannon Road No. 22" and Westerly line of Hilow Road, said point also being the Northeasterly corner of lot 1 as shown on the above mentioned Tract Map;

(1) Thence along the existing town limit line of Los Gatos as established by resolution 2006-016 Titled "Shannon Road No. 22" South 70°19'55" East, 60.00 feet to a point on the Easterly right-of-way line of Hilow Road and South 19°40'05" West, 15.01 feet from the Northwestern corner of lot 21 of above mentioned Tract Map;

(2) Thence along said Easterly right-of-way line South 19°40'05" West, 196.69 feet to the Northwestern corner of lot 18 on the Easterly right-of-way line of Hilow Road as shown on the above mentioned Tract Map;

(3) Thence leaving said easterly right-of-way of Hilow Road and along the Northwestern property line of Lot 18 as shown on the above mentioned Tract Map South 70°19'55" East, 157.06 feet;

(4) Thence South 19°40'00" West, 75.00 feet;

(5) Thence North 70°19'55" West, 157.06 feet to the Southwesterly corner of lot 18 on the Easterly right-of-way line of Hilow Road as shown on the above mentioned Tract Map;

(6) Thence continuing along said Easterly right-of-way line South 19°40'05" West, 150 feet to a tangent curve also being the Southwesterly corner of lot 16 as shown on the above mentioned Tract Map;

(7) Thence along a tangent curve to the right having a radius of 877.48 feet, through a central angle of $07^{\circ}37'42''$ and an arc distance of 116.83 feet to a point of reverse curvature to the left;

(8) Thence along a arc of a curvature to the left having a radial bearing of South $68^{\circ}28'00''$ East and a radius of 817.48 feet, through a central angle of $05^{\circ}45'49''$ and an arc distance of 82.23 feet to a point on of intersection of the existing town limit line of Los Gatos as established by resolution 2005-135 Titled "Hilow Road No. 2" and the easterly right-of-way line of Hilow Road.

(9) Thence leaving the Easterly right-of-way line of Hilow Road and along existing town limit line as mentioned above North $68^{\circ}28'00''$ West, 60.00 feet to a point on the Westerly right-of-way line of Hilow Road " also being the Northeasterly corner of lot 7 and Southeasterly corner of lot 6 as shown on the above mentioned Tract Map;

(10) Thence along a arc of a curve to the right having a radial bearing of South $68^{\circ}28'00''$ East and a radius of 877.48 feet, through a central angle of $05^{\circ}45'49''$ and an arc distance of 88.27 feet to a point of reverse curvature;

(11) Thence along the arc of a tangent curve to the left, having a radius of 817.48 feet, through a central angle of $07^{\circ}37'42''$ and an arc distance of 108.84 feet to a point of tangency along the Westerly right-of-way line of Hilow Road;

(12) Thence along the Westerly right-of-way line of Hilow Road North $19^{\circ}40'05''$ East, 421.69 feet to the point of beginning.

Containing approximately 48,966 square feet, 1.124 acres.

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.



POINT OF BEGINNING

1. ALL DISTANCES SHOWN ARE IN FEET & DECIMAL THEREOF.
2. ANNEXATION "HILOW ROAD NO. 3" AREA = 1.12 AC.

"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 LAND DESCRIBED"

APN: 523-08-015

LOT 1 TRACTING. 519

APN: 532-04-031

APN: 523-08-017
SHANN

APN: 523-00

APN: 523-05-01

APN: 523-05-01

EXISTING TOWN LIMIT LINE
OF LOS GATOS
AS ESTABLISHED BY
RESOLUTION 2006-016
D "SHANNON ROAD NO. 22"

APN: 532-04-089

LOT 1 TRACT NO. 616

APN: 532-04-059

APN: 532-04-058

P.O.B

421.69'

NORTHWESTERLY
COR. OF LOT 21

NORTHWESTERLY
COR. OF LOT 21

APR: 532-04--085

APR: 532-04--085

APN: 532-04-086

APN: 532-04-086

LICENSED LAND SURVEYOR
 HARRY E. ANQUIST
 NO. L3855
 EXP. 6-30-10
 STATE OF CALIFORNIA

196.69'

16362 HILOW ROAD
APN:532-04-0B2
LOT 18 TRACT NO. 616

④ 75.00'

APN: 532-04-083
LOT 19 TRACT NO. 616

157.05

LOT 20 TRACT NO. 556

S701955E
157.05'

APH: 532-04-080
LOT 16 TRACT NO. 616

APN: 332-04-061
LOT 17 TRACT NO. 516

CONSENT TO WAIVE PROTEST PROCEEDINGS

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

AUG 06 2008

DESIGNATED TITLE OF PROPOSAL: Hilow Road No. 3

TOWN OF LOS GATOS
PLANNING DIVISION

Brief Description of Proposal:

This proposal is to annex a single 1.124 acre parcel of residential property (inclusive of road right-of-way) to the Town of Los Gatos. It is within 300 feet of a Town maintained roadway, 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: 16362 Hilow Road, Los Gatos, CA 95032

Assessor's Parcel Number: 532-04-082

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

8/4/08

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

ATTACHMENT 2

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: Hilow Road No. 2

RECEIVED

AUG 04 2008

Brief Description of Proposal:

This proposal is to annex a single 1.124 acre parcel of residential property (inclusive of road right-of-way) to the Town of Los Gatos. It is within 300 feet of a Town maintained roadway, 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.

TOWN OF LOS GATOS
PLANNING DIVISION

Address: 16362 Hilow Road, Los Gatos, CA 95032

Assessor's Parcel Number: 532-04-082

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

8/1/08

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

ATTACHMENT 3