



MEETING DATE: 12/01/08
ITEM NO. /

COUNCIL AGENDA REPORT

DATE: November 11, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER *GL*

SUBJECT: ADOPT RESOLUTION APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED TOPPING WAY NO. 5 CONTAINING APPROXIMATELY .67 ACRES LOCATED AT 16551 ENGLEWOOD AVENUE (APN: 532-07-021). FILE #AN08-04.

RECOMMENDATION:

Adopt a resolution approving the reorganization of territory designated Englewood Avenue No. 7, containing approximately .67 acres located at 16551 Englewood Avenue (APN: 532-07-021).

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 independent of any development applications, although it is anticipated that the owner will file an Architecture and Site application for a new residence in the future.

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 November 3, 2008 Town Council meeting.

(Continued on page 2)

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

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

Revised: 11/11/08 3:40 PM

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

SUBJECT: ENGLEWOOD AVENUE NO. 7; FILE #AN08-04.

November 3, 1008

DISCUSSION:

The Town has received a petition from Masud & Mojgan Maesumi, owners of the property at 16551 Englewood Avenue, 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, adjacent 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.

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 approving the reorganization of territory designated as Englewood Avenue No. 7, with Exhibits A & B.
2. Protest Waiver, Santa Clara County
3. Protest Waiver, Library Service Area

Distribution:

Masud Maesumi, 3131 S. Bascom Avenue, Suite 110, Campbell, CA 95008

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
APPROVING THE REORGANIZATION
OF TERRITORY DESIGNATED
ENGLEWOOD AVENUE NO. 7
APPROXIMATELY .67 ACRES
LOCATED AT 16551 ENGLEWOOD AVENUE
(APN: 532-07-021)**

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 .67 acres located at 16551 Englewood Avenue (APN 532-07-021) has been filed by Masud and Mojgan Maesumi; 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 Englewood Avenue No. 7, 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 .67 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 adjacent to a Town boundary.
 - 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 November 3, 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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EXHIBIT A

DESCRIPTION TO ACCOMPANY ANNEXATION OF TERRITORY KNOWN AS

ENGLEWOOD AVENUE NO. 7

All that certain real property located in the County of Santa Clara, State of California, being a portion of the Rancho Rinconada De Los Gatos, more particularly described as follows:

BEGINNING at the southwesterly corner of that certain Annexation to the Town of Los Gatos known as Englewood Avenue No. 5, said point lying along the northwesterly line of Englewood Avenue, 50' wide, at the terminus of an arc beginning along the southeasterly line of Loma Street; thence along the southwesterly most line of said Englewood Ave No. 5 Annexation, (1) S 53°32'08" E, a distance of 50.00' to the southeasterly most corner of said Englewood Ave No. 5 Annexation, thence leaving said Annexation Englewood No.5 and along the southeasterly line of Englewood Avenue to the terminus of an arc beginning along the southwesterly line of Topping Avenue as shown on that certain Map entitled "Tract No 328, Kenwood Acres" filed in Book 10 of Maps at page 56, Santa Clara County Records, to the point of compound curvature of a tangent curve, concave to the southeast, having a radius of 1486.38' a central angle of 04°16'38", a and a chord of 110.93' bearing N 34°19'35" E; thence (2) southwesterly along said curve, a distance of 110.96' along the southeasterly line of Englewood Avenue; thence continuing along said Englewood Avenue, (3) S 32°11'16" W, a distance of 128.16' to the point of curvature of a tangent curve, concave to the northeast, having a radius of 20.00' and a central angle of 106°38'45"; thence (4) southeasterly along said curve, a distance of 37.23' to the northeasterly line of Marchmont Avenue, 60' wide; thence (5) S 15°32'31" W, a distance of 60.00' to the southwesterly line of Marchmont Avenue; thence along said southwesterly line of Marchmont Avenue, (6) N 74°27'29" W, a distance of 29.90' to the point of curvature of a tangent curve, concave to the southeast, having a radius of 20.00' and a central angle of 73°21'15"; thence (7) southwesterly along said curve, a distance of 25.61' to the southeasterly line of Englewood Avenue; thence along the southeasterly line of Englewood Avenue, (8) S 32°11'16" W, a distance of 35.92'; thence leaving said Tract No 328, (9) N 57°48'44" W, a distance of 50.00' to the northwesterly line of Englewood Avenue; thence along the northwesterly line of Englewood Avenue, (10) N 32°11'16" E, a distance of 54.11'; thence leaving said northwesterly line of Englewood Avenue and along the southwesterly line of the lands described in that certain deed filed for record in Document No. 12443102, Santa Clara County Records, (11) N 78°41'42" W, a distance of 150.00' to a point along the southeasterly line of Ferris Avenue No. 1 Annexation; thence along the southeasterly line of Ferris Avenue No. 1 Annexation and the northwesterly line of the lands of said Document No. 12443102, (12). N 32°11'16" E, a distance of 54.11'; thence leaving said southeasterly line of Annexation Ferris Avenue No. 1 and along the northeasterly line of said Document No. 12443102, (13) S 78°41'42" E, a distance of 150.00' to the northwesterly line of Englewood Avenue; thence along the northwesterly line of Englewood Avenue, (14) N 32°11'16" E, a distance of 160.24' to the point of curvature of a tangent curve, concave to the southeast, having a radius of 1536.38' and a central angle of 04°16'38"; thence (15) northeasterly along said curve and along the northwesterly line of Englewood Avenue, a distance of 114.69' to the POINT OF BEGINNING.

Containing 29,003 sq ft or 0.6658 acres more or less

APN NO. 532-07-021

ADDRESS: 16551 ENGLEWOOD AVENUE

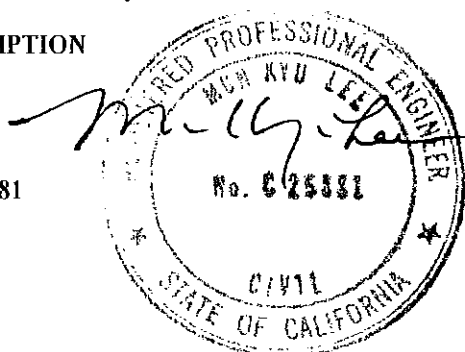
Attached hereto is a plat labeled Exhibit "B" and by this reference made a part thereof.

Description prepared September 23, 2008.

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.

END OF DESCRIPTION

Mun Kyu Lee
R.C.E. No. C-25881
Expires 12-31-09



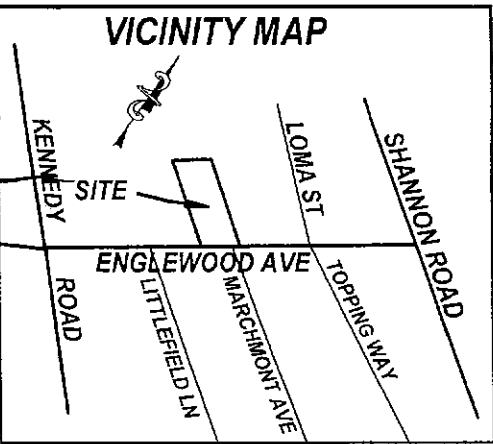
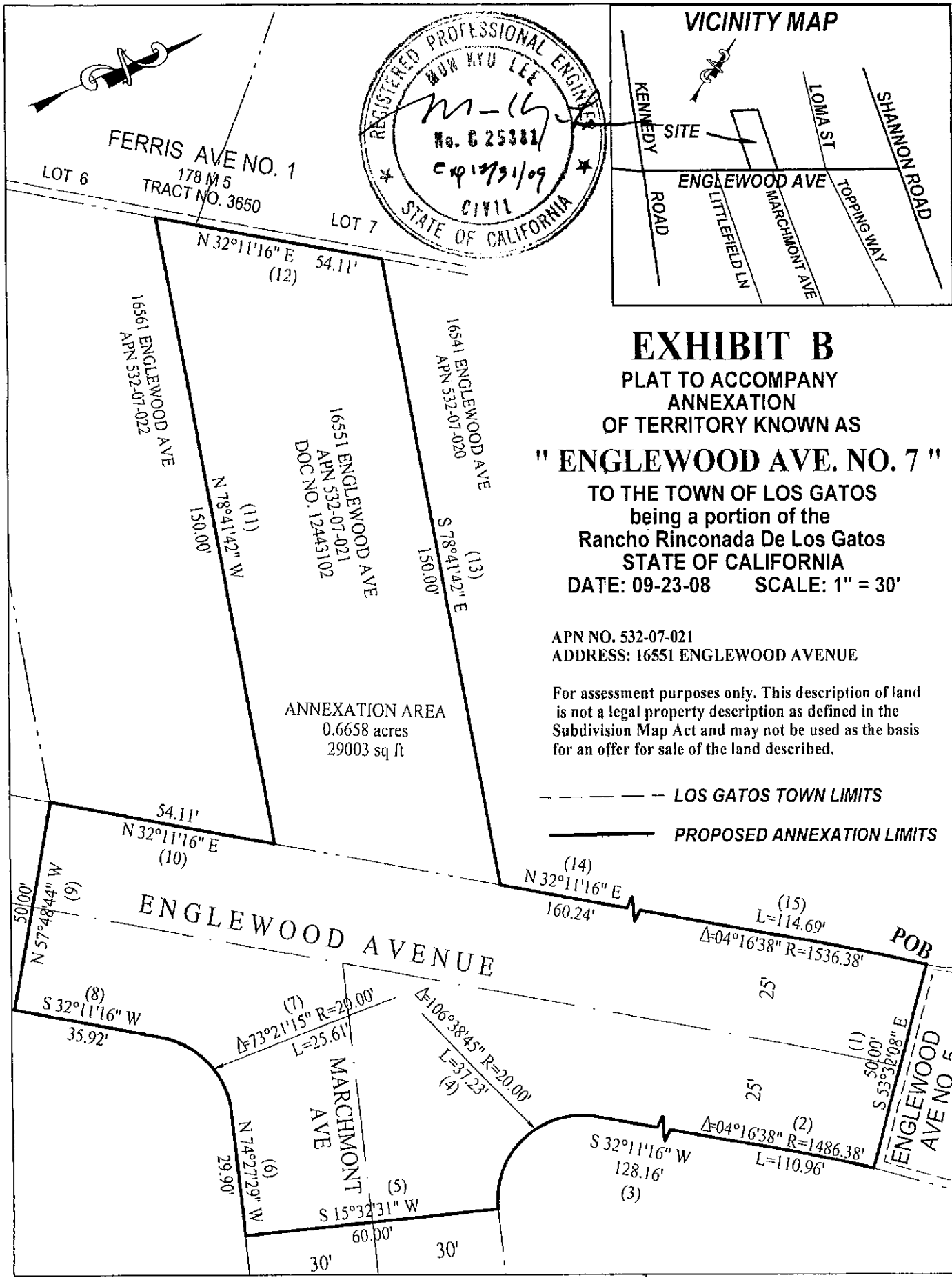


EXHIBIT B
PLAT TO ACCOMPANY
ANNEXATION
OF TERRITORY KNOWN AS
" ENGLEWOOD AVE. NO. 7 "
TO THE TOWN OF LOS GATOS
being a portion of the
Rancho Rinconada De Los Gatos
STATE OF CALIFORNIA
DATE: 09-23-08 SCALE: 1" = 30'

APN NO. 532-07-021
ADDRESS: 16551 ENGLEWOOD AVENUE

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.

----- LOS GATOS TOWN LIMITS
———— PROPOSED ANNEXATION LIMITS

ANNEXATION AREA
0.6658 acres
29003 sq ft

POB

ENGLEWOOD AVE NO. 5

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: Englewood Avenue No. 7

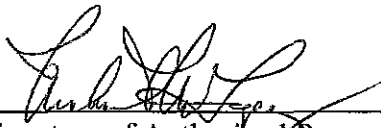
Brief Description of Proposal:

This proposal is to annex a single .67 acre parcel of residential property (inclusive of road right-of-way) 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: 16551 Englewood Avenue, Los Gatos, CA 95032

Assessor's Parcel Number: 532-07-021

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

10/20/08

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:

Uninhabited area [§56663(c)] Area with less than 12 registered voters	Inhabited area [§56663(d)] Area with 12 or more registered voters
<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: Englewood Avenue No. 7

Brief Description of Proposal:

This proposal is to annex a single .67 acre parcel of residential property (inclusive of road right-of-way) 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: 16551 Englewood Avenue, Los Gatos, CA 95032

Assessor's Parcel Number: 532-07-021

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

10/20/08

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