

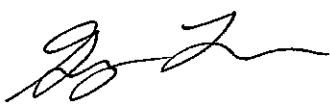


MEETING DATE: 05/04/09
ITEM NO. 1

COUNCIL AGENDA REPORT

DATE: April 20, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED ENGLEWOOD AVENUE NO. 8 CONTAINING APPROXIMATELY .17 ACRES LOCATED AT 16561 ENGLEWOOD AVENUE (APN: 532-07-022). FILE #AN09-01.

RECOMMENDATION:


Adopt a resolution approving the reorganization of territory designated Englewood Avenue No. 8, containing approximately .17 acres located at 16561 Englewood Avenue (APN: 532-07-022).


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 Town Council meeting on April 6, 2009.

(Continued on page 2)

PREPARED BY:  Wendie R. Rooney, Director of Community Development

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

Revised: 4/20/09 5:18 PM

Reformatted: 5/30/02

N:\DEV\SUZANNE\Council\Reports\Annexation\EnglewoodNo.8-PP.doc

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: ENGLEWOOD AVENUE NO. 8; FILE #AN09-01.

April 20, 2009

DISCUSSION:

The Town has received a petition from Perri Gordon, owner of the property at 16561 Englewood Avenue, requesting annexation to the Town of Los Gatos. The property is located in an unincorporated island of the County (see Attachment 1). The property is within the Town's Urban Services Area boundary, adjacent to a Town 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 (see Attachments 2 and 3, respectively).

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	\$1,103.00
State Board of Equalization fee	\$300.00

The petitioner has also paid a \$2,624.00 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. Location map
2. Resolution approving the reorganization of territory designated as Englewood Avenue No. 8, with Exhibits A & B.
3. Protest Waiver, Santa Clara County
4. Protest Waiver, Library Service Area

Distribution:

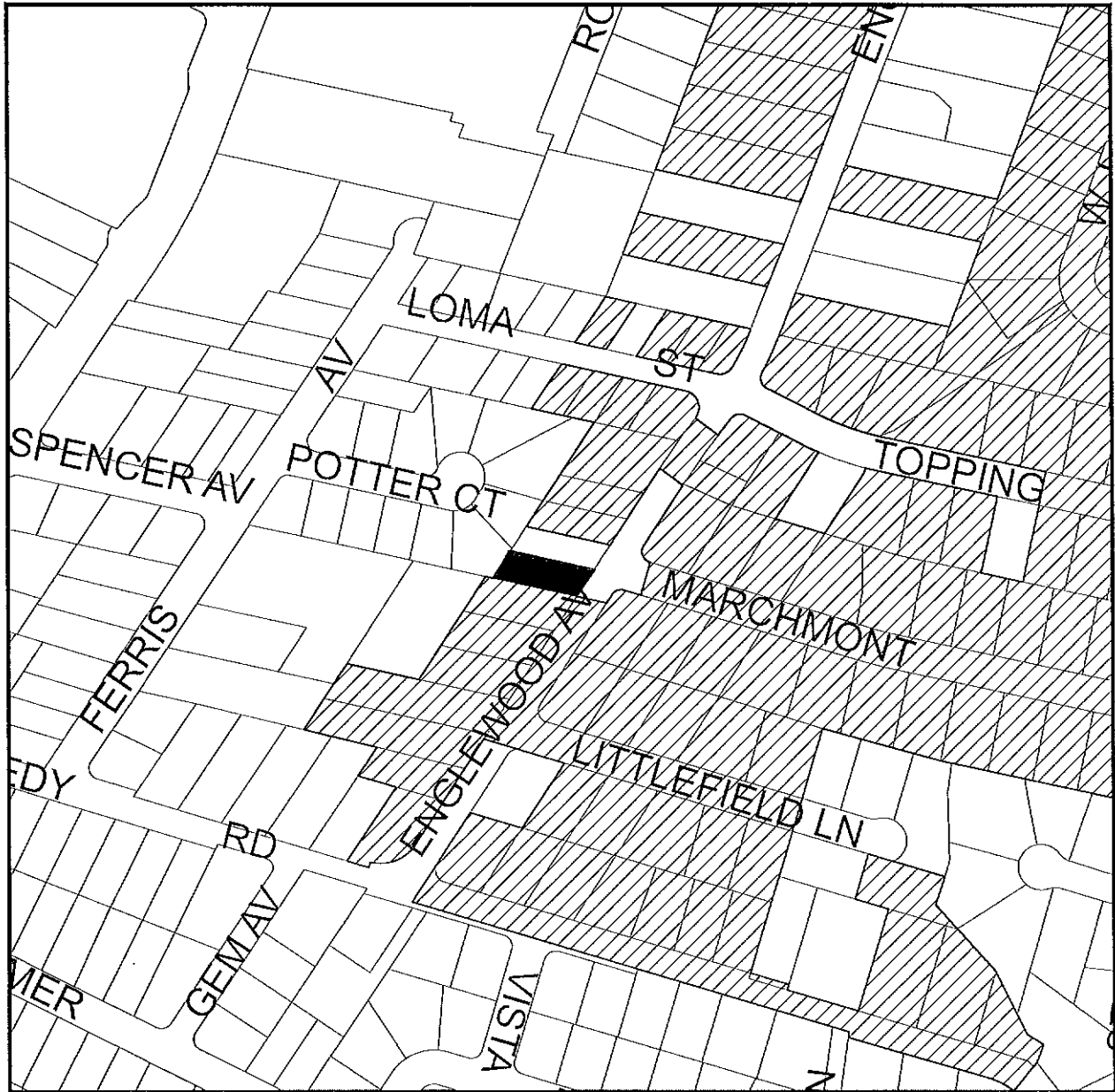
Perri Gordon, 2165 Cactus Court #3, Walnut Creek CA 94595

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

WR:SD

Englewood Avenue No. 8

16561 Englewood Avenue



County Pockets



Annexation Area

File # AN09-001

APN 532-07-022



RESOLUTION 2009 -

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
APPROVING THE REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
ENGLEWOOD AVENUE NO. 8
PROPERTY LOCATED AT 16561 ENGLEWOOD AVENUE
APPROXIMATELY .17 ACRES (APN: 532-07-022)**

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 .17 acres located at 16561 Englewood Avenue (APN 532-07-022) has been filed by Perri Gordon; 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 if 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 that the petition for annexation was signed by all property owners 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. 8, 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 .17 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 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 May 4, 2009, 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

N:\DEV\SUZANNE\Annexation\EnglewoodNo.8\EnglewoodNo8-Rcs02.doc

EXHIBIT "A"
ENGLEWOOD AVENUE ANNEXATION NO.
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 Southerly corner of Lot 6, as shown on the subdivision map of Tract No. 3650 recorded in Book 178 of Maps at Page 5, Santa Clara County Records, said point being the Southwesterly limit of Town of Los Gatos as established by Ferris Avenue Number One Annexation, approved by Town of Los Gatos Ordinance No. 870, April 5, 1966, certified by Secretary of State of State of California on May 6, 1966;

Thence along Southeasterly line of said town limit and of said Lot 6 (1) North 32 Degrees 11 Minutes East a length of 54.10 feet to the Southwesterly corner of the Englewood Avenue No. 7 Annexation, approved by Town of Los Gatos Resolution No. 2008-129, and recorded as Document # 20108334 January 22, 2009;

Thence continuing along the town limit line established by said annexation (2) South 78 Degrees 41 Minutes East a length of 150.00 feet to the Westerly right of way line of Englewood Avenue;

Thence continuing along the town limit line established by said annexation and along said right of way line (3) South 32 Degrees 11 Minutes West a length of 54.10 feet;

Thence leaving said right of way line and town limit line established by said annexation (4) North 78 Degrees 41 Minutes West a length of: 150.00 feet to the point of beginning.

Containing 0.17 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."



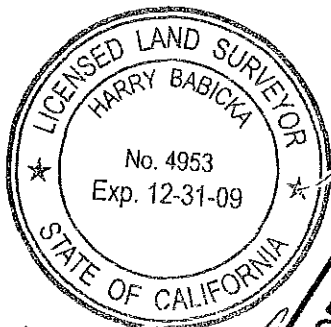
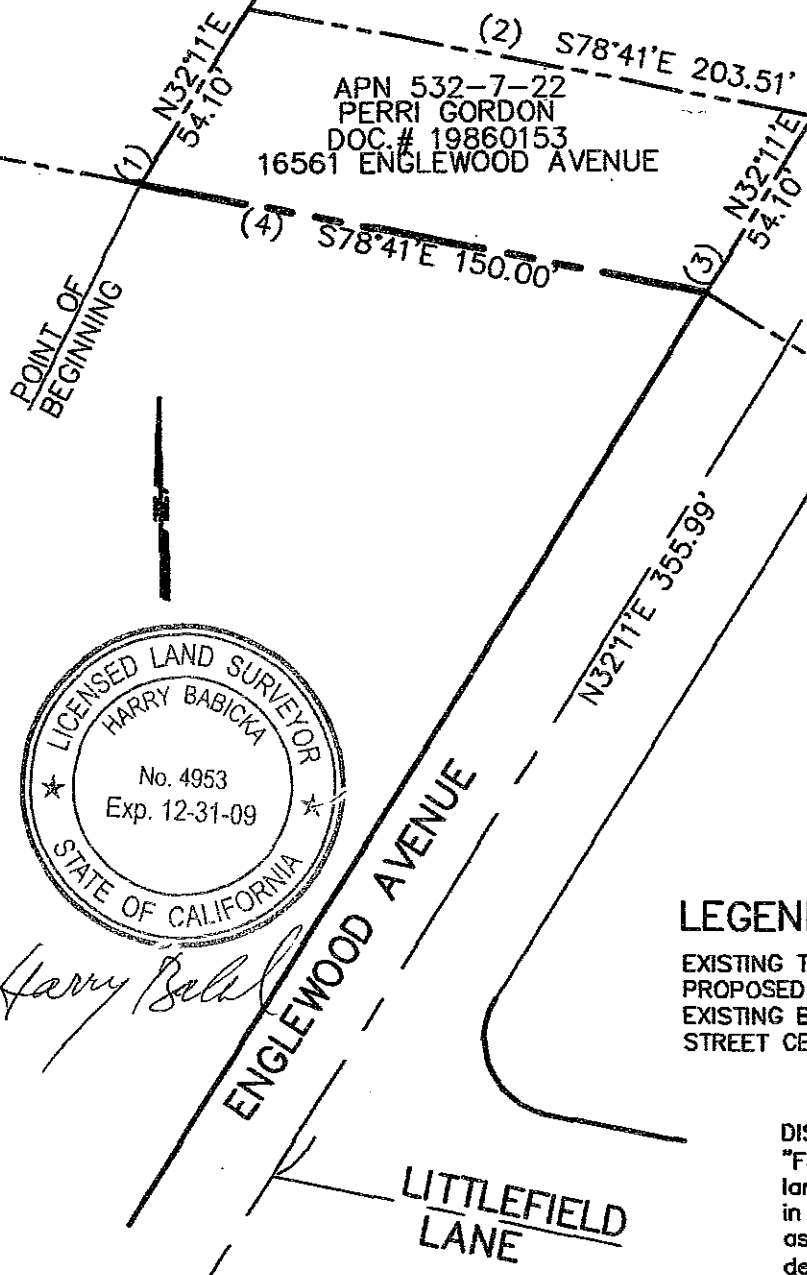
Harry Babicka

EXHIBIT "B"

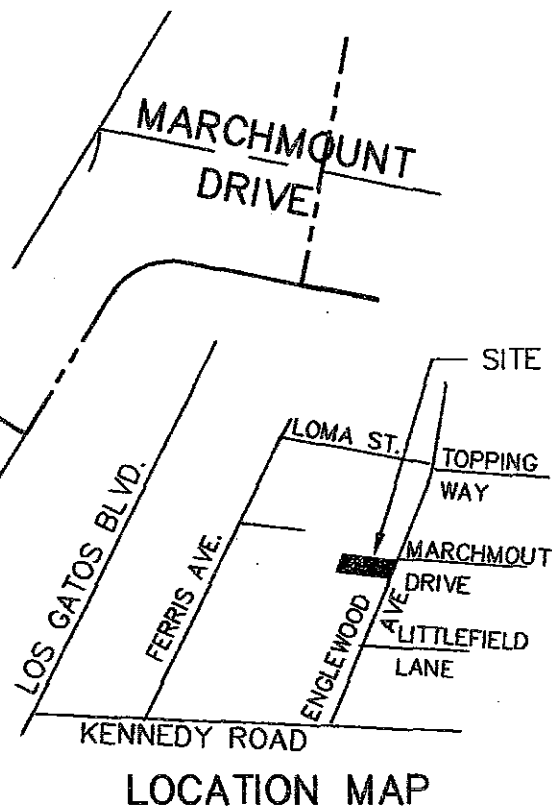
FERRIS AVENUE #1
ANNEXATION
4-4-1966

ENGLEWOOD ANNEXATION #7
RESOLUTION # 2008-129
1-22-2009
DOC. # 20108334

APN 532-7-22
PERRI GORDON
DOC. # 19860153
16561 ENGLEWOOD AVENUE



Harry Babicka



LEGEND

EXISTING TOWN LIMIT
PROPOSED TOWN LIMIT
EXISTING BOUNDARY LINE
STREET CENTERLINE

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."

ASSESSOR'S PARCEL NUMBERS: 532-07-022	ACREAGE: 0.57	LAFCO RESOLUTION NO.
WESTFALL ENGINEERS, INC. 14583 BIG BASIN WAY SARATOGA, CA. TEL. 408-867-0244, FAX 408-867-6261	DATE: JANUARY 2009	ENGLEWOOD AVENUE ANNEXATION NO. 8 16561 ENGLEWOOD AVENUE LOS GATOS, CA PORTION OF RANCHO RINCONADA DE LOS GATOS
DRAWN BY: JC	SCALE: 1"=50'	
CHECKED BY: HB	REVISIONS:	
JOB NO. 2009-004		

annexation calculations

ENGELWOOD ANNEXATION NO. 8
LOS GATOS
2009-004
JANUARY 29, 2009

Parcel name: annexation

North: 848.58	East : 516.33
Line Course: N 32-11-00 E	Length: 54.10
North: 894.36	East : 545.14
Line Course: S 78-41-00 E	Length: 150.00
North: 864.93	East : 692.23
Line Course: S 32-11-00 W	Length: 54.10
North: 819.14	East : 663.41
Line Course: N 78-41-00 W	Length: 150.00
North: 848.58	East : 516.33

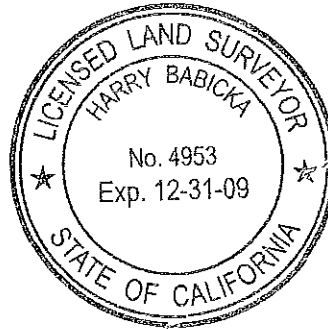
Perimeter: 408.20 Area: 7,583 sq. ft. 0.17 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.00 Course: S 90-00-00 E

Error North: 0.000 East : 0.000

Precision 1: 408,200,000.00



Harry Babicka

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. 8

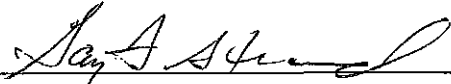
Brief Description of Proposal:

This proposal is to annex a single .17 acre parcel of residential 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: 16561 Englewood Avenue, Los Gatos, CA 95032

Assessor's Parcel Number: 532-07-022

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
Administrative Services Manager III

3/17/09

Date

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

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. 8

Brief Description of Proposal:

This proposal is to annex a single .17 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: 16561 Englewood Avenue, Los Gatos, CA 95032

Assessor's Parcel Number: 532-07-022

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

3/18/09

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 4