



MEETING DATE: 06/01/09
ITEM NO. 2
CONSENT ITEM

COUNCIL AGENDA REPORT

DATE: May 21, 2009
TO: MAYOR AND TOWN COUNCIL
FROM: GREG LARSON, TOWN MANAGER *GL*
SUBJECT: ADOPT RESOLUTION SETTING DATE FOR CONSIDERATION OF REORGANIZATION OF AN UNINHABITED AREA DESIGNATED AS BLOSSOM HILL ROAD NO.23, APPROXIMATELY .31 ACRES LOCATED AT 15700 BLOSSOM HILL ROAD (APN: 527-08-019); FILE #AN09-02.

RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated Blossom Hill Road No. 23, approximately .31 acres located at 15700 Blossom Hill Road (APN: 527-08-019).

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 either adjacent to a Town boundary or within 300 feet of the Town limits if the use is intensified. The property owner has requested annexation to rebuild a fire damaged 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.

(Continued to page 2)

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

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

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MAYOR AND TOWN COUNCIL

SUBJECT: BLOSSOM HILL ROAD NO. 23; FILE #AN09-02.

June 1, 2009

DISCUSSION:

The Town has received a petition from Terry Pries, owner of the property at 15700 Blossom Hill Road, 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 in the Town's Urban Services Area, is adjacent to a Town boundary and is pre-zoned HR-1 (Hillside Residential, minimum lot size one acre). 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 June 15, 2009.

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

The petitioner has also paid an Annexation Fee to the Town of \$2,624.00.

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.

WRR::MM:mdc

Attachments:

1. Location Map
2. Resolution making determinations and approving the reorganization of territory designated Blossom Hill Road No.23, with Exhibits A& B.

Distribution:

Terry Pries, P.O .Box 5211, San Jose, CA 95150

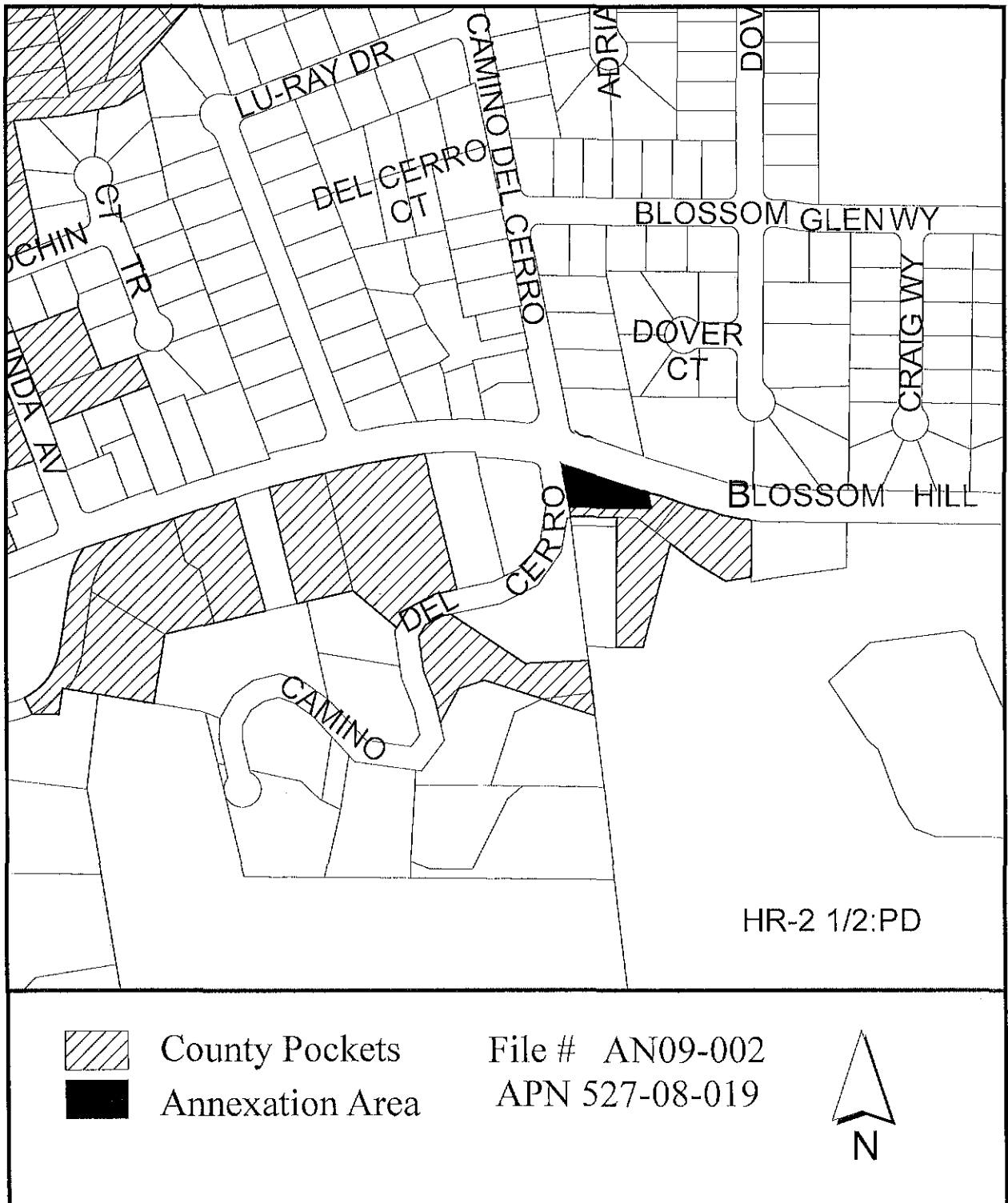
Michael Lopez, Planning Manager; Environmental Resources Agency, 7th Flr; County

Government Center, East Wing; 70 W. Hedding St, San Jose, CA 95110

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Blossom Hill Road No. 23

15700 Blossom Hill Road



RESOLUTION 2009 -

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
SETTING DATE FOR CONSIDERATION OF REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
BLOSSOM HILL ROAD NO.23,
PROPERTY LOCATED AT 15700 BLOSSOM HILL ROAD;
APPROXIMATELY .31 ACRES (APN: 532-07-022)**

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated Blossom Hill Road No. 23 from Terry Pries; and

WHEREAS, the property, .31 acres, more or less, at 15700 Blossom Hill Road, APN: 527-08-019, is adjacent to a Town boundary and 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 HR-1 (Hillside Residential, minimum lot size one acre) 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 Council 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 Blossom Hill Road No. 23 at their regular meeting of June 15, 2009.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 1st of June 2009, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

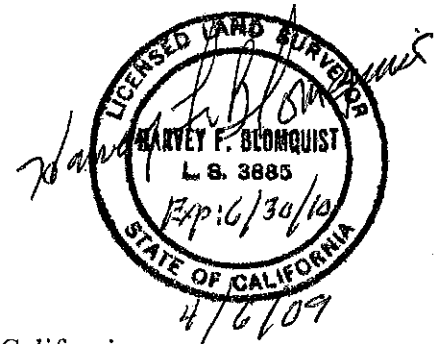
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Job No. 09-200
4-7-09

EXHIBIT "A"
Blossom Hill Road No. 23
Annexation to the Town of Los Gatos



All that certain property situated in the County of Santa Clara, State of California, more particularly described as follows:

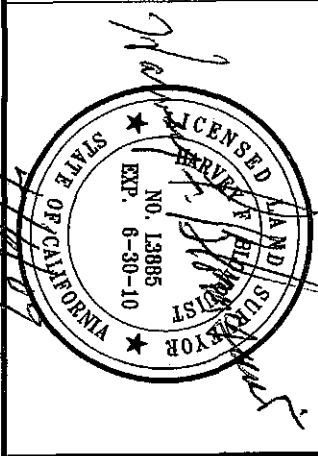
Being portion of the South $\frac{1}{2}$ of Northwest $\frac{1}{4}$, Section 14, T. 8 S. R. 1 W., M.D. B. & M., as follows:

Beginning at the southwesterly corner of that certain annexation to the Town of Los Gatos known as Blossom Hill Road No. 22, thence southeasterly along the southwesterly line of said annexation also being the southerly right-of-way line of Blossom Hill Road- 65' wide, on a curve to the right, (1) with a radius of 950.00 feet, from a tangent bearing South 77° 52' 19" East through a central angle of 12° 40' 22" a distance of 210.12 feet; to a point on said southerly right-of-way line, said point being the northeasterly corner of that certain parcel conveyed to Luciano Gualtieri by deed recorded March 10, 1925 in Book 141 Official Records, Page 501; thence southeasterly along the northeasterly line of said last mentioned parcel (2) South 10° 48' 00" East, 36.02 feet to the $\frac{1}{4}$ Section line East and West through the center of Section 14T8S. R1W, M.D.B. & M; thence Westerly along said $\frac{1}{4}$ Section line also being the Northerly line of that certain 60.00 acre tract deeded to Rozelle L. Smilie by deed recorded March 12, 1935 in Book 722 Official Records, Page 304, Santa Clara County Records, (3) North 89° 33' 00" West, 185.40 feet to the Northwesterly corner of said 60.00 acre tract; thence along the Northeasterly right-of-way line of Camino Del Cerro- 50' wide, also being the northeasterly line of that certain annexation to the Town of Los Gatos known as Camino Del Cerro No. 9, (4) North 07° 43' 30" West. 1.56 feet; thence (5) North 11° 28' 00" West, 100.80 feet to the point of beginning and containing 0.307 acres of land more or less.

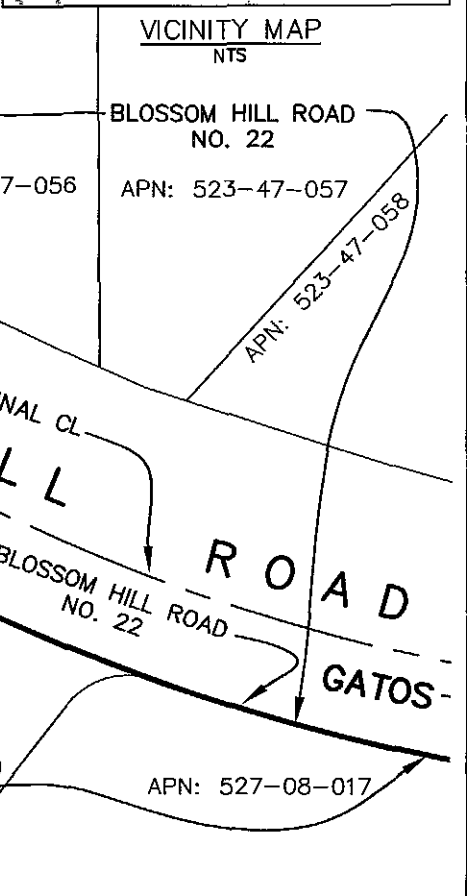
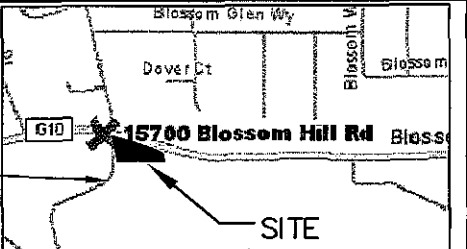
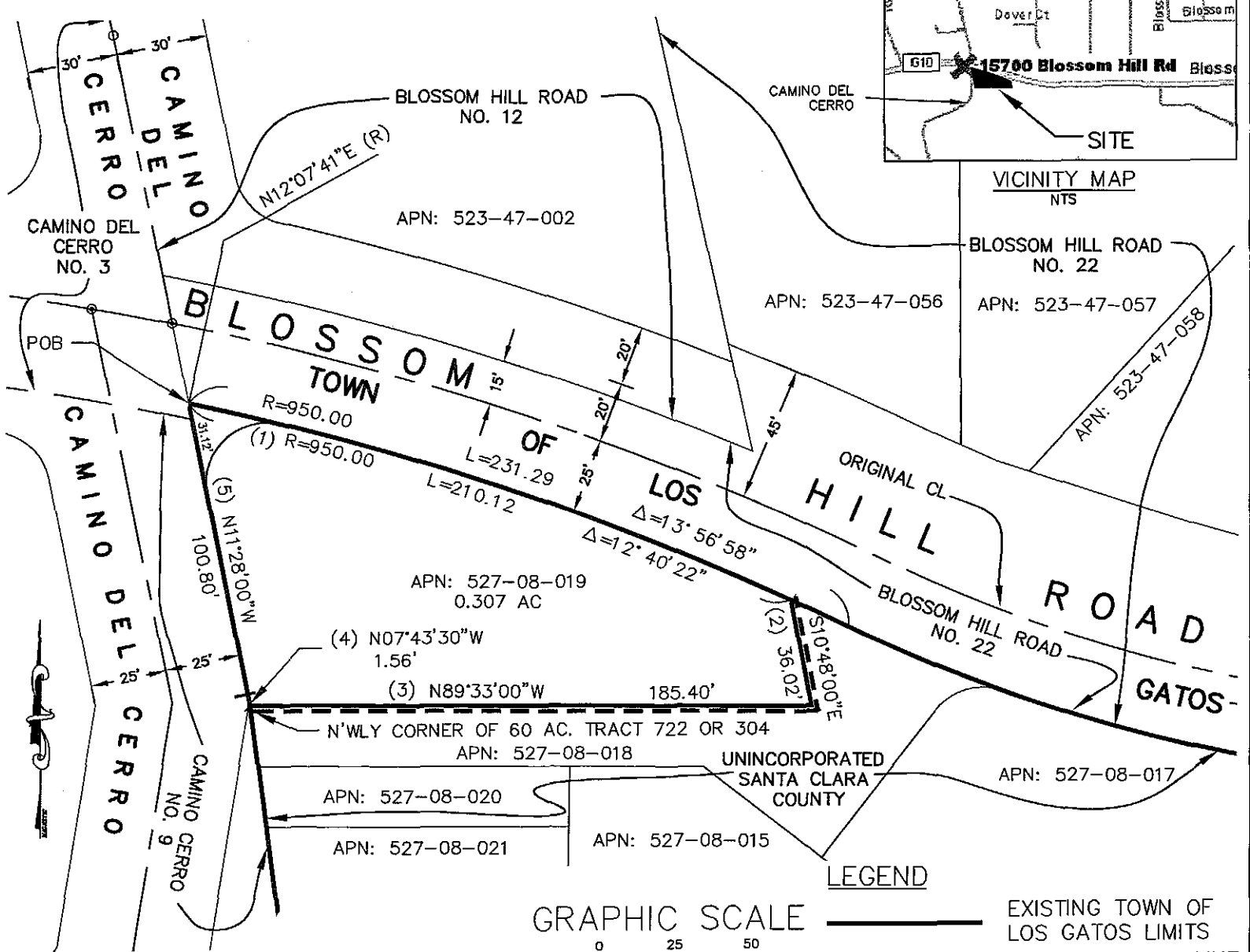
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

DATE: 4-7-09
 SCALE: 1"=50'
 DRAWN BY: SK
 DESIGNED BY: TJS
 JOB NO.: 07-309
 PAGE: 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION
EXHIBIT B
 BLOSSOM HILL ROAD
 ANNEXATION NO. 23,
 TO TOWN OF LOS GATOS, CA
 TS CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 PH: 408.452.9300
 FAX: 408.452.9301



BEING PORTION OF THE SOUTH 1/2 OF NORTHWEST 1/4, SECTION 14, T. 8 S. R. 1 W., M.D. B. & M.,



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"