



COUNCIL AGENDA REPORT

DATE: January 10, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: HEARING TO CONSIDER PROTESTS CONCERNING THE REORGANIZATION OF INHABITED TERRITORY TO THE TOWN OF LOS GATOS KNOWN AS ARNERICH ROAD NO. 1

RECOMMENDATION:

- 1. Hold the hearing;
2. Close the hearing;
3. Set Monday, February 6, 2006 as the date to adopt a resolution making a finding of the value of protests filed and not withdrawn. No further action or decision needs to be made at the January 17, 2006 meeting.

BACKGROUND:

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 owners file an annexation petition, which has occurred. The initiating process announces the intention of the Town to annex territory and provides for noticing of affected residents by publishing, posting, and mailing notices. The notice of intention to annex territory is delivered a minimum of 15 days in advance of the hearing. The hearing should be no sooner than 30 days and no more than 45 days from the date of the resolution initiating the proceedings. Resolution 2005-125, setting the date of the hearing, was adopted on December 5, 2005.

This act also requires the Town to hold a "protest proceeding" if the area proposed for annexation is inhabited, even if all of the property owners have consented to the annexation.

PREPARED BY: JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: Assistant Town Manager Attorney Clerk Administrator
Finance Community Development Revised: 1/10/06 3:30 pm

January 12, 2006

DISCUSSION:

The annexation territory is within the Town's Urban Services Area (USA) boundary, and is primarily pre-zoned HR-20 (20 to 160 acres per dwelling unit). There are two small parcels that were pre-zoned RC (Resource Conservation), since they are under a Williamson Act contract. However, Santa Clara County has filed notices of non-renewal on them since they are too small to be used for agriculture. The Williamson Act contract expires in about 5 years. This area encompasses 79 acres of land and contains 16 parcels. All of the property owners and registered voters have signed the petition for annexation (Attachment 2). The annexation territory is at the far southeasterly edge of the Town's USA boundary. Unless the USA boundary were to be adjusted, no additional annexations can take place southerly of this area.

Pursuant to annexation law, Council will need to take one of the following actions at the meeting scheduled for February 6, 2006 based on the protests filed and not withdrawn by the close of the January 17, 2006 public hearing:

1. Order the change of organization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.
2. Order the change of organization, subject to confirmation by an election if written protests have been filed and not withdrawn by more than 25 percent but less than 50 percent of the registered voters residing within the territory, or more than 25 percent but less than 50 percent of the owners of land owning more than 25 percent of the assessed value of land within the affected territory.
3. Terminate the proceeding if a majority protest exists in accordance with Section 57078 of the Government Code.

CONCLUSION:

Residents in this area have petitioned to be annexed to the Town of Los Gatos. Annexation of the area is consistent with the Town policy of annexing areas contiguous to the Town to enable proper planning and the provision of municipal services.

ENVIRONMENTAL ASSESSMENTS:

This action is a project as defined under CEQA but is statutorily exempt under Section 15061(b)(3).

FISCAL IMPACT:

The following fees are assessed by Santa Clara County, LAFCO and the State Board of Equalization, have been paid by the chief petitioner:

MAYOR AND TOWN COUNCIL

SUBJECT: HEARING TO CONSIDER THE ANNEXATION OF ARNERICH ROAD NO. 1

January 12, 2006

Map, Legal Description and Guideline Checking Fees . . . . .	\$2,000.00 (paid)
LAFCO Processing Fee . . . . .	670.00 (paid)
State Board of Equalization Fee . . . . .	1,500.00 (paid)

The chief petitioner has paid annexation fees to the Town of \$400.00, plus a computer service fee of \$16.00 and a microfiching fee of \$75.00. Additionally, he has paid the cost for placing the notice of the annexation in the local newspaper on two separate occasions.

If the reorganization is approved, once it is certified by the State Board of Equalization, the Town will receive approximately nine percent (9%) of the property taxes.

Attachments:

1. Map of Arnerich Road No. 1 Annexation.
2. Annexation Petition

Distribution:

Neelima Palacherla, Executive Officer, Santa Clara County LAFCO, County Government Center,  
East Wing, 11<sup>th</sup> Floor, 70 W. Hedding Street, San Jose, CA 95110  
Michael Lopez, Interim Director, Environmental Resources Agency, County Government Center,  
East Wing, 7<sup>th</sup> Floor, 70 W. Hedding Street, San Jose, CA 95110  
Gay Strand, Manager for Administrative Services, County Library Service Area, 14600 Winchester  
Boulevard, Los Gatos, CA 95032  
Ed T. Pearson, 239 Thurston Street, Los Gatos, CA 95030

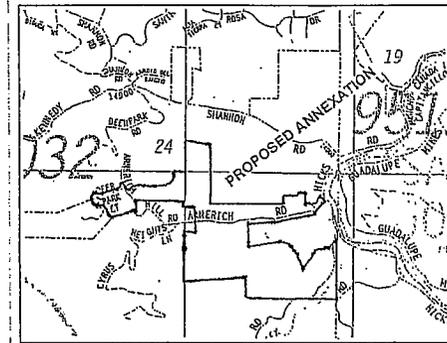
**NOTES:**  
DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

**COURSES DATA**

- ① N24°18'40"E 116.05'
- ② N71°17'00"E 138.50'
- ③ N77°17'30"E 288.77'
- ④ S71°17'00"W 121.49'
- ⑤ S89°30'00"W 31.99'
- ⑥ S71°17'00"W 57.22'
- ⑦ S08°32'00"W 31.49'
- ⑧ S24°16'40"W 73.41'
- ⑨ S31°35'04"E 60.41'
- ⑩ S31°33'55"E 3.34'
- ⑪ N00°30'00"W 10.56'

**CURVE DATA**

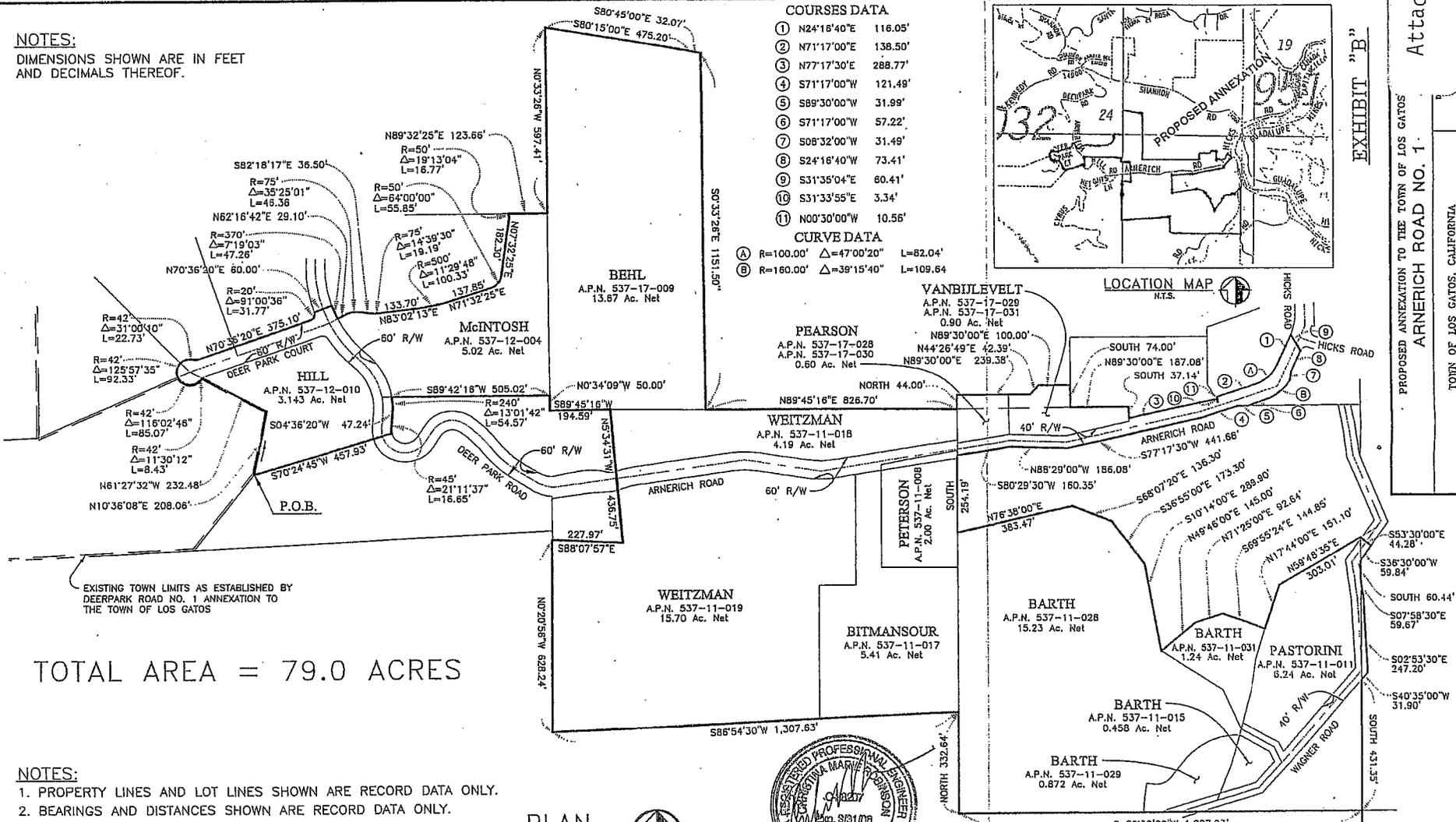
- Ⓐ R=100.00' Δ=47°00'20" L=62.04'
- Ⓑ R=160.00' Δ=39°15'40" L=109.64'



**LOCATION MAP**  
N.T.S.

**EXHIBIT "B"**

PROPOSED ANNEXATION TO THE TOWN OF LOS GATOS  
ARNERICH ROAD NO. 1  
TOWN OF LOS GATOS, CALIFORNIA



**TOTAL AREA = 79.0 ACRES**

**NOTES:**  
1. PROPERTY LINES AND LOT LINES SHOWN ARE RECORD DATA ONLY.  
2. BEARINGS AND DISTANCES SHOWN ARE RECORD DATA ONLY.

**LEGEND:**  
—— = BOUNDARY OF PROPOSED ANNEXATION  
—— = EXISTING BOUNDARY OF TOWN OF LOS GATOS

**PLAN**  
SCALE: 1"=300'



**MASON-SULIC**  
CIVIL & DESIGN CONSULTANTS, INC.  
2025 The Alameda, Suite 103, San Jose, CA 95126 Tel: (415)711-1113 Fax: (415)711-4107  
DATE: 03-28-2007  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

REGISTRATION EXPIRES: MARCH 31, 2008

# PETITION

## FOR THE ANNEXATION OF TERRITORY TO THE TOWN OF LOS GATOS

The undersigned hereby petition the Town Council of the Town of Los Gatos for approval of a proposed annexation, and stipulate as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

2. The proposed annexation is designated as: (To be completed by Town Staff)

ARNERICH ROAD NO. 1 and consists of  
Annexation to the Town of Los Gatos of 78.22 acres on the <sup>both</sup> ~~(N/S/E/W)~~ side s  
of ARNERICH Rd (street name) <sup>WEST</sup> ~~between~~ OF HICKS Rd.  
(street name) and \_\_\_\_\_ (street name).

3. A metes and bounds description of the exterior boundaries of the territory included in the proposal, marked "Exhibit 'A'", and a map of said territory, marked "Exhibit 'B'", are attached to this petition and by this reference incorporated herein.

4. The territory to be annexed is:

inhabited (12 or more registered voters)  
 uninhabited (less than 12 registered voters).

5. This proposal is consistent with the Sphere of Influence of the Town of Los Gatos.

6. The reason(s) for the proposed annexation is/are:

OBTAIN MUNICIPAL SERVICES

7. It is desired that the proposed annexation be made subject to the following terms and conditions:

That the Town shall succeed to the Williamson  
act contract.

8. The person(s) signing this petition has/have signed as (check one):

owner(s) of land within the affected territory.

registered voter(s) within the affected territory.

9. The undersigned proponents ( do/ ( ) do not (check one) own 100 percent of the territory proposed for annexation.

Wherefore, petitioner(s) request(s) that be taken in accordance with the provisions of Section 56000 et seq. of the Government Code, and herewith affix signature(s) as follows:

SIGNATURES OF PETITIONERS (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
<i>Ed T. Pearson</i> ED T. PEARSON	933 HUMMINGBIRD DR. SAN JOSE, CA 95125	537-17-030 ✓ <del>537-17-028</del> <del>537-17-029</del>
<i>Constance M. Pearson</i> CONSTANCE M. PEARSON	933 HUMMINGBIRD DR. SAN JOSE, CA 95125	408-205-7305
DATE: 11/9/03	Phone: H - <del>408-747-7777</del> W - <del>408-614-4853</del> #344	
<i>Sunny Behl</i> Sunny Behl	14184 Shannon Rd. Los Gatos CA 95032	<del>408-358-6924</del> 537-17-009 ✓
<i>Kimberly Behl</i> Kimberly Behl	14184 Shannon Rd. Los Gatos CA 95032	
DATE: 11/9/03	Phone: H - 408-358-6924 W - 408-378-3000	
<i>Vernon L. Weitzman</i> Vernon L. Weitzman	14320 Arnerich Road Los Gatos 95032	537-11-019 ✓ -018 ✓
<i>Cheer Weitzman</i> Cheer Weitzman	14320 Arnerich Road Los Gatos CA 95032	537-11-019 ✓ 537-11-018 ✓
DATE: 11/19/2003	Phone: H - 408-358-6335 W - 866-626-3806	

For additional signatures, use Supplemental Petition.

WHEN COMPLETE RETURN TO:

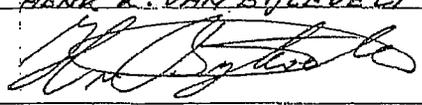
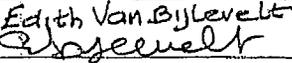
Town of Los Gatos  
Parks & Public Works Department  
P.O. Box 949  
Los Gatos, California 95031

Phone: (408) 399-5770

# SUPPLEMENTAL PETITION

FOR THE ANNEXATION OF TERRITORY KNOWN AS

TO THE TOWN OF LOS GATOS

SIGNATURES OF PETITIONERS (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
<del>HENK R. VAN BIJLEVELT</del> 	14155 ARNERICH RD. LOS GATOS, CA. 95032	537-17-029 ✓ 537-17-031 ✓
Edith Van Bijlevelt 	11	11
Date: <del>MARCH 25, 2004</del>	Cell Phone: <del>E- 415-850-7487 W - 415-645-5279</del>	
<del>Cathy Rereyra Catherine Rereyra</del>	<del>18151 Wagner Road Los Gatos, CA 95032</del>	<del>537-11-026 537-11-027</del>
<del>Daniel Rereyra</del>	<del>11</del>	
Date: <del>3/2/04</del>	Phone: H - <del>408-356-4315</del> W - <del>408-356-3686</del>	
<del>Diana Hill Digna G. Hill</del>	14520 DEER PARK RD. CT. LOS GATOS, CA. 95032	537-12-010 ✓
<del>Stephen E Hill</del> Stephen E Hill	11	11
Date: <del>5-13-04</del>	Phone: H - <del>408-358-9511</del> W - <del>(Steve) 650-328-2828</del>	
<del>ROBERT BORBA</del>	17501 HICKS RD. LOS GATOS, CA. 95032	537-11-011 ✓
<del>REGISTERED VOTER</del>		408-356-1163
Date:	Phone: H -	W -
Date:	Phone: H -	W -
Date:	Phone: H -	W -

OK

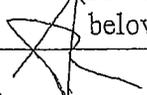
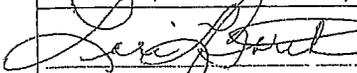
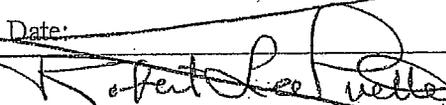
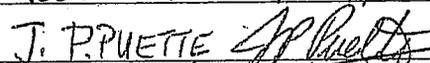
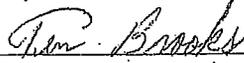
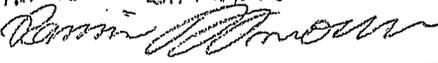
OK

OK

**SUPPLEMENTAL PETITION**

FOR THE ANNEXATION OF TERRITORY KNOWN AS

TO THE TOWN OF LOS GATOS

SIGNATURES OF PETITIONERS (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
 FLORIANA BARTH	17507 Wagner Rd 18001 Wagner Rd LOS GATOS, CA. 95032	537-11-028 537-11-029 537-11-015
 LORI BARTH	" a Portion of	537-11-012
Date: 11-22-03	Phone: H- 408-358-8080 W - 650-444-4868	
<del>                       JOHN WEIDENT                 </del>	<del>                     14065 ARNERICH ROAD                      LOS GATOS, CA 95032                 </del>	
<del>                     Date:                 </del>	<del>                     Phone: H- 408 358 7930 W - 408 345 8100                 </del>	
<del>                       ROBERT LEE PUETTE                 </del>	<del>                     12342 CRAYSIDE LANE                      SARATOGA, CA 95070                 </del>	<del>                     (408) 408-253-2557                 </del>
<del>                       J. P. PUETTE                 </del>	<del>                     "                 </del>	<del>                     (ATN) 537-11-012                 </del>
<del>                     Date: 1/14/2004                 </del>	<del>                     Phone: H- <del>408 269 2228</del> W - <del>408 269 2228</del> </del>	
<del>                     TERRI BROOKS   </del>	<del>                     3322 Picadilly DR.                      SAN JOSE CA 95118                 </del>	<del>                     537-11-008                 </del>
<del>                     Date: 2/12/04                 </del>	<del>                     Phone: H- 408-269-2228 W - 408-993-1313                 </del>	
<del>                     RAMSIAH BITMANSOUR   </del>	<del>                     14300 ARNERICH Rd                      LOS GATOS CA. 95032                 </del>	<del>                     408-358-3547                 </del>
<del>                       ANNA BITMANSOUR                 </del>	<del>                     "                 </del>	<del>                     537-11-017-00                 </del>
<del>                     Date: 2/23/04                 </del>	<del>                     Phone: H- 408-358-3547 W -                 </del>	
<del>                       HELEN E. PYSOLINKO                 </del>	<del>                     17501 HICKS ROAD                      LOS GATOS, CA 95032                 </del>	<del>                     537-11-011                 </del>
<del>                     Date: 3/29/04                 </del>	<del>                     Phone: H- 408 930-6247 W - 408.371-0101                 </del>	

8. The person(s) signing this petition has/have signed as (check one):

- owner(s) of land within the affected territory.
- registered voter(s) within the affected territory.

9. The undersigned proponents (  ) do / (  ) do not (check one) own 100 percent of the territory proposed for annexation.

Wherefore, petitioner(s) request(s) that be taken in accordance with the provisions of Section 56000 et seq. of the Government Code, and herewith affix signature(s) as follows:

SIGNATURES OF PETITIONERS <i>*</i> (Please print name below signature)	MAILING ADDRESS	ASSESSOR'S PARCEL NO.
<i>Dennis</i> → <i>William D. McIntosh</i>	14525 DEER PARK RD LOS GATOS, CA 95032	537-12-004 <i>DK</i>
<i>Gaylene</i> → <i>Gaylene McIntosh</i>	" "	" "
DATE: <i>11/10/04</i>	*Phone: H- <i>(408) 358-1331</i> W- <i>(408) 280-7676</i>	
DATE:	Phone: H- W-	

For additional signatures, use Supplemental Petition.

WHEN COMPLETE RETURN TO:

TOWN OF LOS GATOS  
 PARKS & PUBLIC WORKS DEPARTMENT  
 P.O. BOX 949  
 LOS GATOS, CALIFORNIA 95031  
 PHONE: (408) 399-5771