



MEETING DATE: 12/5/05
ITEM NO. 9

COUNCIL AGENDA REPORT

DATE: November 21, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER 
SUBJECT: ADOPT RESOLUTION SETTING DATE FOR CONSIDERATION OF REORGANIZATION OF UNINHABITED AREA DESIGNATED "HILOW ROAD NO. 2", APPROXIMATELY 0.450 ACRES LOCATED AT 16439 HILOW ROAD (APN: 532-04-065)

RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated "Hilow Road No. 2", approximately 0.450 acres located at 16439 Hilow Road (APN: 532-04-065)

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 within 300 feet of the Town limits if the use is intensified. The property owner has requested approval from the Community Development Department to construct a new house on the site.

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 us 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.

DISCUSSION:

The Town has received a petition from David LeBaron, owner of the property at 16439 Hilow Road,

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

Reviewed by: : PSJ Assistant Town Manager _____ Town Attorney _____ Clerk Administrator
SC Finance _____ Community Development Revised: 11/21/05 2:58 pm

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Road, requesting annexation to the Town of Los Gatos. The property is located on the westerly side of Hilow Road, southerly of Shannon Road and northerly of Topping Way, in one of the unincorporated "islands" of the County.

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 121 linear feet of Hilow Road, in conformance with the Santa Clara County Road Annexation Policy.

The property is in the Town's Urban Services Area, boundary, and is rezoned R1:8 (single family residential, 8,000 sq. ft. minimum lot size). Annexation will allow "city" services to be extended to the property and help in fill an existing County "island."

Request for waiver of the protest proceeding has been sent to Santa Clara County and the County Library Service Area. These agencies have waived their right to a protest proceeding (public hearing). The approval of the annexation has been scheduled for the December 19, 2005 Council Meeting as a consent item.

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 must be paid by the petitioner:

Map, Legal Description and Guideline Checking Fees	\$2,000.00	(paid)
LAFCO Processing Fee	670.00	(paid)
State Board of Equalization Fee	300.00	(paid)

The petitioner has paid an Annexation Fee to the Town of \$2,400, plus a computer service fee of \$96 and a microfiching fee of \$30.

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:

Resolution making determinations and approving the reorganization of territory designated "Hilow Road No. 2" approximately 0.450 acres located at 16439 Hilow Road (APN: 532-04-065) - (with Exhibits A and B).

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SUBJECT: SET DATE FOR HILOW ROAD NO. 2 ANNEXATION

November 21, 2005

- A. Legal Description of Hilow Road No. 2 Annexation.
- B. Plat to Accompany Legal Description.

Distribution:

David LeBaron, Jr., 1818 McDaniel Avenue, San Jose, CA 95126

Lydia Lyons, DeMattei Construction Inc., 1794 The Alameda, San Jose, CA 95126

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

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
SETTING DATE FOR CONSIDERATION OF REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
“HILOW ROAD NO. 2,”
PROPERTY LOCATED AT 16439 HILOW ROAD;
APPROXIMATELY 0.450 ACRES (APN: 532-04-065)

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated “Hilow Road No. 2” from David LeBaron, Jr.; and

WHEREAS, the property 0.450 acres, more or less, at 16439 Hilow Road (APN: 532-04-065) is contiguous to the Town of Los Gatos and is 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, this territory was pre-zoned over 25 years ago to Town of Los Gatos rezoning R1:8(single family residential, 8,000 sq. ft. minimum lot size); 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 Councils 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 "Hilow Road No. 2" at their regular meeting of December 19, 2005.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 5th of December 2005, 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

EXHIBIT "A"
LEGAL DESCRIPTION
ANNEXATION TO THE TOWN OF LOS GATOS
HILOW NO. 2
TOWN OF LOS GATOS, COUNTY OF SANTA CLARA
STATE OF CALIFORNIA

SEPTEMBER 21, 2005



BEING ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESIGNATED AS LOT 7 ON THAT TRACT MAP RECORDED IN BOOK 26 OF MAPS AT PAGES 8 AND 9, SANTA CLARA COUNTY RECORDS, TOGETHER WITH A PORTION OF HILOW ROAD AS SHOWN ON SAID TRACT MAP AND ON THAT TRACT MAP RECORDED IN BOOK 48, OF MAPS AT PAGE 31, SANTA CLARA COUNTY RECORDS; BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERN LINE OF HILOW ROAD, SAID POINT ALSO BEING THE SOUTHEASTERN CORNER OF LOT 8, FROM WHICH THE SOUTHEASTERN CORNER OF LOT 7 BEARS NORTH 19° 40' 05" EAST 75.00 FEET DISTANT; THENCE ALONG THE WESTERN LINE OF HILOW ROAD;

- 1) NORTH 19° 40' 05" EAST 75.00 FEET TO THE SOUTHEASTERN CORNER OF SAID LOT 7; THENCE ALONG THE SOUTHERN BOUNDARY OF SAID LOT 7
- 2) NORTH 70° 19' 55" WEST 142.15 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 7; THENCE ALONG THE WESTERN BOUNDARY OF SAID LOT 7
- 3) NORTH 19° 40' 00" EAST 75.00 FEET TO THE NORTHWESTERN CORNER OF SAID LOT 7; THENCE ALONG THE NORTHERN BOUNDARY OF SAID LOT 7
- 4) SOUTH 70° 19' 55" EAST 142.62 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 7; THENCE LEAVING SAID LOT 7
- 5) SOUTH 68° 28' 00" EAST 60.00 FEET TO A POINT ON THE EASTERN LINE OF SAID HILOW ROAD; THENCE SOUTHERLY ALONG SAID EASTERN LINE
- 6) ON A CURVE CONCAVE TO THE EAST FROM A RADIAL BEARING OF NORTH 68° 28' 00" WEST HAVING A RADIUS OF 817.48 FEET THROUGH A CENTRAL ANGLE OF 1° 51' 55" AND AN ARC DISTANCE OF 26.61 FEET; THENCE
- 7) SOUTH 19° 40' 05" WEST 121.44 FEET TO THE NORTHWESTERN CORNER OF THE ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "HILOW NO. 1"; THENCE ALONG THE NORTHERN BOUNDARY OF LAST SAID ANNEXATION
- 8) NORTH 70° 19' 55" WEST 60.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 19,607 SQUARE FEET (0.45 ACRES), MORE OR LESS, AND INCLUDING ALL OF THE AFOREMENTIONED LOT 7.

THE MOST SOUTHERN BOUNDARY AS DESCRIBED WITHIN THIS LEGAL DESCRIPTION (NORTH 70° 19' 55" WEST 60.00 FEET) IS CONTIGUOUS WITH AND ADJACENT TO THE EXISTING TOWN BOUNDARY AS ESTABLISHED BY ANNEXATION TO THE TOWN OF LOS GATOS ENTITLED "HILOW NO. 1".

THIS DESCRIPTION IS BASED ON RECORD INFORMATION. THE BASIS OF BEARINGS IS THAT AS REFERENCED ON SAID TRACT MAP. THE ATTACHED PLAT MAP IS MADE A PART OF AND SHOWS THE INTENT OF THIS DESCRIPTION.

**COMPILED BY DUNBAR AND CRAIG LAND SURVEYS, INC.
FILE NO. 05415.**

EXHIBIT 'B'

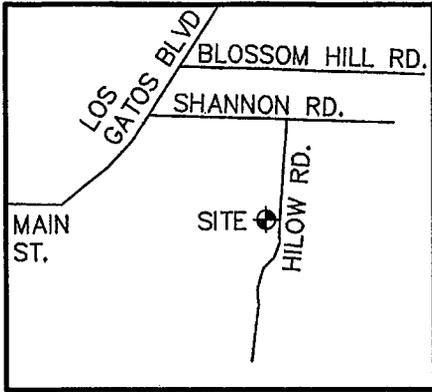
ANNEXATION
 TO: TOWN OF LOS GATOS
 ENTITLED: HILOW NO. 2
 LOS GATOS CALIFORNIA

DUNBAR & CRAIG
 LICENSED LAND SURVEYORS
 236 N. SANTA CRUZ AVE, SUITE 104
 LOS GATOS, CALIFORNIA 95030
 (408) 399-6929

APN: 532-04-065

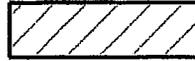
DATE: 9/19/05

SCALE: 1"=40'



VICINITY MAP

LEGEND



INDICATES BOUNDARY &
 AREA OF ANNEXATION



EXISTING TOWN/COUNTY BOUNDARY



RIGHT OF WAY / EASEMENTS

P.U.E. PUBLIC UTILITY EASEMENT

All distances shown are in feet and decimals thereof.

