



MEETING DATE: 12/19/05  
ITEM NO.

12

**COUNCIL AGENDA REPORT**

DATE: December 2, 2005  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: ADOPT 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)

RECOMMENDATION:

Adopt 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).

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 recently received 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.

DISCUSSION:

The Town has received a petition from David G. LeBaron, Jr. (Attachment 2), owner of the property at 16439 Hilow Road, requesting annexation to the Town of Los Gatos. The property is located on Hilow Road, southerly of Shannon Road and northerly of Topping Way, in one of the unincorporated "islands" of the County.

PREPARED BY:

JOHN E. CURTIS  
Director of Parks and Public Works

Reviewed by: LS Assistant Town Manager OK Town Attorney \_\_\_\_\_ Clerk Administrator \_\_\_\_\_  
ifsc Finance \_\_\_\_\_ Community Development \_\_\_\_\_ Revised: 12/2/05 2:34 pm

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."

Since this is a 100% consent, "Uninhabited" annexation (less than twelve registered voters), a public hearing is not required. However, under new legislation, 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 and the County Library Service Area (Attachments 3 & 4).

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 (received)
State Board of Equalization Fee	.....	300.00 (received)

The petitioner has paid an Annexation Fee to the Town of \$2,400, plus a computer service fee of \$96.00 and a microfiching fee of \$30.00.

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.

Attachments:

1. 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).
  - A. Legal Description of Hilow Road No. 2 Annexation.
  - B. Plat to Accompany Legal Description.
2. Annexation Petition
3. Protest Waiver, Santa Clara County
4. Protest Waiver, Library Service Area

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MAYOR AND TOWN COUNCIL

SUBJECT: APPROVE HILOW ROAD NO. 2 ANNEXATION

December 2, 2005

Distribution:

David G. 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, 7<sup>th</sup> 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  
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)**

**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 0.450 acres on 16439 Hilow Road (APN: 532-04-065) has been filed by David G. LeBaron, Jr.; 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 “Hilow Road No. 2,” 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 0.450 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 R1:8 (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 island 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 contiguous to existing Town limits.
  - 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 the 19<sup>th</sup> day 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 ADMINISTRATOR 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.**

