



MEETING DATE: 12/19/05
ITEM NO. 13

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 "LINDA AVENUE NO. 3," APPROXIMATELY 3.667 ACRES LOCATED AT 15881 & 15909 LINDA AVENUE AND 15950 STEPHENIE LANE (APNs: 532-25-020, 021 & 036)

RECOMMENDATION:

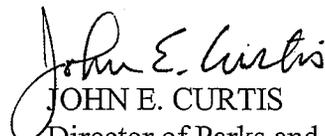
Adopt resolution making determinations and approving the reorganization of territory designated "Linda Avenue No. 3," approximately 3.667 acres located at 15881 & 15909 Linda Avenue and 15950 Stephenie Lane (APNs: 532-25-020, 021 & 036).

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.

PREPARED BY:


 JOHN E. CURTIS
 Director of Parks and Public Works

Reviewed by: RS Assistant Town Manager JK Town Attorney _____ Clerk Administrator
W/sc Finance _____ Community Development _____ Revised: 12/2/05 2:57 pm

DISCUSSION:

The Town has received a petition from Jennifer Den Daas, Daniel Holloway, and Daniel Blue (Attachment 2), owners of the property at 15881 & 15909 Linda Avenue and 15950 Stephenie Lane, requesting annexation to the Town of Los Gatos. The property is located at the northerly ends of Linda and Stephenie Lanes, just southerly and adjacent to Ross Creek, in one of the unincorporated "islands" of the County. A planned development has been proposed for this property, however, it has not yet been deemed complete by the Development Review Committee or heard by the Planning Commission.

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 County Library Service Area.

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)
Review by County Assessor's Office	.....	55.00	(paid)
LAFCO Processing Fee	.....	670.00	(paid)
State Board of Equalization Fee	.....	350.00	(paid)

The petitioner has paid an Annexation Fee to the Town of \$800.00, plus a computer service fee of \$32.00 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.

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MAYOR AND TOWN COUNCIL
SUBJECT: APPROVE LINDA AVENUE NO. 3 ANNEXATION
December 2, 2005

Attachments:

1. Resolution making determinations and approving the reorganization of territory designated "Linda Avenue No. 3," approximately 3.667 acres located at 15881 & 15909 Linda Avenue and 15950 Stephenie Lane (APN: 532-25-020, 021 & 036).
 - A. Legal Description of Linda Avenue No. 3 Annexation.
 - B. Plat to Accompany Legal Description.
2. Annexation Petition
3. Protest Waiver, Santa Clara County
4. Protest Waiver, Library Service Area

Distribution:

Jennifer Den Daas, 15881 Linda Avenue, Los Gatos, CA 95032
Daniel Holloway, 15909 Linda Avenue, Los Gatos, CA 95032
Daniel Blue, 15950 Stephenie Lane, Los Gatos, CA 95032
Terry McElroy and Hanne Olafsen, 214 Almendra Avenue, Los Gatos, CA 95030
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
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
"LINDA AVENUE NO. 3,"
APPROXIMATELY 3.667 ACRES
LOCATED AT
15881 & 15909 LINDA AVENUE AND 15950 STEPHENIE LANE
(APN: 532-25-020, 021 & 036)

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 3.667 acres on 15881 & 15909 Linda Avenue and 15950 Stephenie Lane (APN: 532-25-020, 021 & 036) has been filed by Jennifer Den Daas, Daniel Holloway, and Daniel Blue; 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 "Linda Avenue No. 3," 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 3.667 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 19th 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

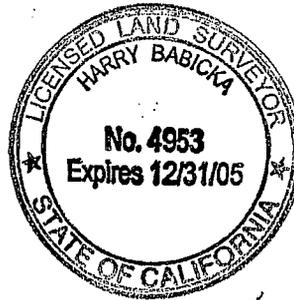
EXHIBIT "A"
DESCRIPTION TO ACCOMPANY ANNEXATION OF TERRITORY KNOWN AS
LINDA AVENUE NO. 3
TO THE TOWN OF LOS GATOS

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

Beginning at the Northwesterly corner of that certain annexation to the town of Los Gatos known as Linda Avenue No. 2, said point being on the Westerly rights of way line of Linda Avenue (60 feet wide); thence

along said rights of way line and Westerly limit of that certain annexation South 12 Degrees 27 Minutes East a distance of 20.04 feet and South 21 Degrees 47 Minutes East a distance of 82.23 feet; thence leaving said westerly limit of that certain annexation and rights of way line South 68 Degrees 13 Minutes West a distance of 171.67 feet; thence South 22 Degrees 11 Minutes 15 Seconds East a distance of 68.82 feet; thence South 68 Degrees 24 Minutes West a distance of 220.41 feet; thence North 12 Degrees 49 Minutes West a distance of 377.78 feet to the middle of a small creek; thence along the middle of said creek North 60 Degrees 18 Minutes East a distance of 163.02 feet; thence North 45 Degrees 21 Minutes 49 Seconds East a distance of 42.33 feet; thence North 43 Degrees 45 Minutes East a distance 142.82 feet; thence N 63 Degrees 17 Minutes East a distance of 107.58 feet; thence South 12 Degrees 27 Minutes East a distance of 314.51 feet to the Northerly limit of that certain annexation and rights of way; thence Westerly along said limit and rights of way to the point of beginning.

---Containing 3.667 acres more or less.



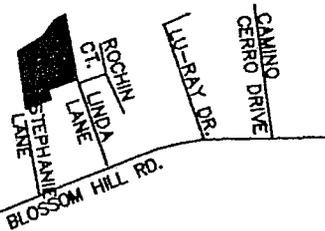
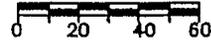
Harry Babicka

Westfall Engineers, Inc.

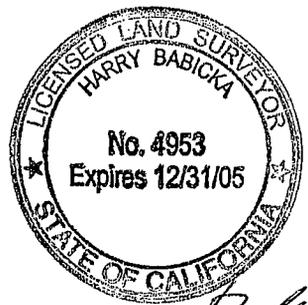
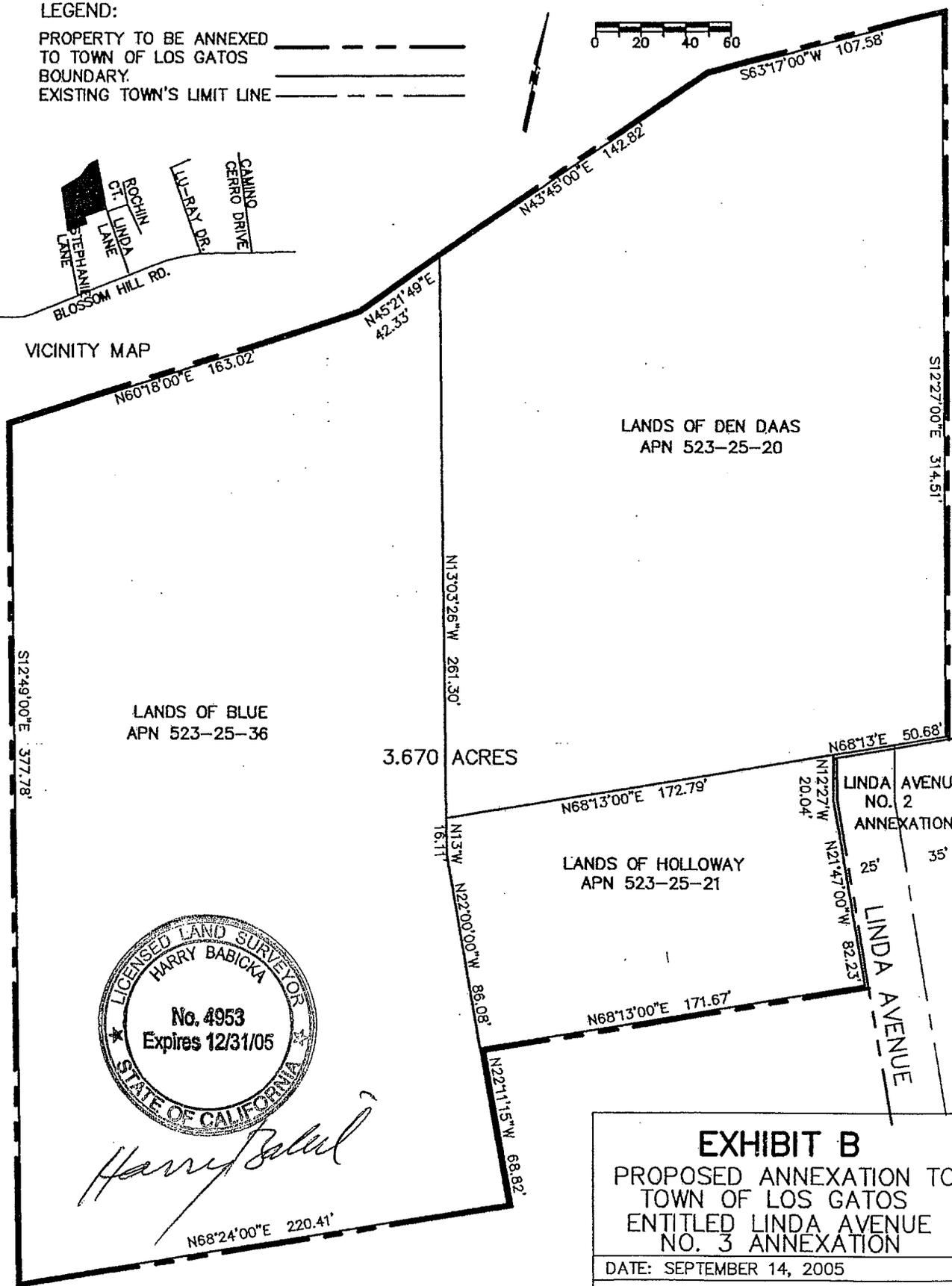
Exhibit A

LEGEND:

PROPERTY TO BE ANNEXED TO TOWN OF LOS GATOS _____
BOUNDARY _____
EXISTING TOWN'S LIMIT LINE _____



VICINITY MAP



Harry Babicka

EXHIBIT B
 PROPOSED ANNEXATION TO
 TOWN OF LOS GATOS
 ENTITLED LINDA AVENUE
 NO. 3 ANNEXATION

DATE: SEPTEMBER 14, 2005

BY: HARRY BABICKA

WESTFALL ENGINEERS, INC.
 SARATOGA, CALIFORNIA