



MEETING DATE: 2/21/06

ITEM NO. 9

COUNCIL AGENDA REPORT

DATE: February 8, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: ADOPT RESOLUTION MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF TERRITORY DESIGNATED "SHANNON ROAD NO. 22," APPROXIMATELY 0.87 ACRES LOCATED AT 16470 SHANNON ROAD (APN: 532-04-031)

RECOMMENDATION:

Adopt resolution making determinations and approving the reorganization of territory designated "Shannon Road No. 22," approximately 0.87 acres located at 16470 Shannon Road (APN: 532-04-031).

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 Jerome and Alissa Park (Attachment 2), owners of the property at 16470 Shannon Road, requesting annexation to the Town of Los Gatos. The property is located along Shannon Road, in one of the unincorporated "island" or "pockets" of the County.

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

Reviewed by: Assistant Town Manager, Town Attorney, Clerk Administrator, Finance, Community Development
Revised: 2/8/06 2:44 pm

MAYOR AND TOWN COUNCIL

SUBJECT: APPROVE SHANNON ROAD NO. 22 ANNEXATION

February 8, 2006

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 466 linear feet of Shannon 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, County Light Service Area 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)
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 \$2,400.00.

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 "Shannon Road No. 22," approximately 0.87 acres located at 16470 Shannon Road (APN: 532-04-031) - with Exhibits A and B.
 - A. Legal Description of Shannon Road No. 22 Annexation.
 - B. Plat to Accompany Legal Description.
2. Petition

Distribution:

Jerome and Alissa Park, 16470 Shannon Road, Los Gatos, CA 95032
De Mattei Construction, Inc., 1794 The Alameda, San Jose, CA 95126

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
"SHANNON ROAD NO. 22,"
APPROXIMATELY 0.87 ACRES
LOCATED AT 16470 SHANNON ROAD
(APN: 532-04-031)

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 0.87 acres on 16470 Shannon Road (APN: 532-04-031) has been filed by Jerome and Alissa Park; 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 "Shannon Road No. 22," 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 0.87 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 21st of February 2006, 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

September 27, 2000

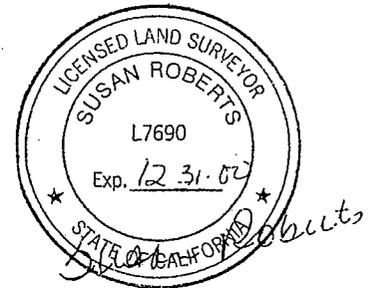
JOB NO 00142

"EXHIBIT A"

Annexation to: The Town of Los Gatos

Name of Annexation: Shannon Road No. 22

Date: _____



LEGAL DESCRIPTION
PROPOSED ANNEXATION FOR
LANDS OF PARK
16470 SHANNON ROAD
LOS GATOS, CA

ALL OF THAT REAL PROPERTY SITUATE IN THE COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1 AT THE SOUTHERLY
LINE OF SHANNON ROAD AS SHOWN ON THE THE MAP OF TRACT 619 AS SAID
MAP WAS RECORDED IN BOOK 24 OF MAPS AT PAGE 17, SANTA CLARA COUNTY
RECORDS;**

**THENCE SOUTH 19° 40' 00" WEST 80.56 FEET ALONG THE EASTERLY LINE OF SAID
TRACT 619;**

**THENCE NORTH 70° 20' 00" WEST AND PARALLEL WITH THE SOUTHWESTERLY
LINE OF SAID LOT 1, 143.43 FEET TO A POINT IN THE EASTERLY LINE OF LA
CHIQUITA AVENUE AS SAID PUBLIC ROAD IS SHOWN ON THE HEREINABOVE
DESCRIBED MAP OF TRACT 619;**

**THENCE NORTH 70° 20' 00" WEST 60.00 FEET TO A POINT IN THE WESTERLY LINE
OF SAID LA CHIQUITA AVENUE;**

**THENCE ALONG SAID WESTERLY LINE OF LA CHIQUITA AVENUE NORTH 19° 40'
00" EAST 26.82 FEET TO THE BEGINNING OF A CURVE IN SAID WESTERLY LINE;**

**THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS
OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 98° 32' 00" AN ARC DISTANCE OF
34.39 FEET TO A POINT IN THE SOUTHERLY LINE OF SHANNON ROAD;**

**THENCE NORTH 11° 08' 00" EAST 50.00 FEET TO A POINT IN THE NORTHERLY LINE
OF SHANNON ROAD, SAID POINT LYING ON THE LOS GATOS TOWN LIMIT LINE AS
ESTABLISHED BY ANNEXATION SHANNON ROAD NO. 1;**

**THENCE ALONG SAID SHANNON ROAD NO. 1 ANNEXATION AND SAID
NORTHERLY LINE SOUTH 78° 52' 00" EAST 465.75 FEET;**

Exhibit A

THENCE LEAVING SAID TOWN LIMITS LINE SOUTH 11° 08' 00" WEST 50.00 FEET TO A POINT IN THE SOUTHERLY LINE OF SHANNON ROAD AT THE BEGINNING OF A CURVE AT HILOW ROAD AS SHOWN ON THE MAP OF TRACT 616 AS SAID MAP WAS RECORDED IN BOOK 26 OF MAPS AT PAGES 8 AND 9, SANTA CLARA COUNTY RECORDS,

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIAL BEARING OF SOUTH 11° 08' 00" WEST AND A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 81° 27' 55" AN ARC DISTANCE OF 28.44 FEET TO A POINT IN THE EASTERLY LINE OF HILOW ROAD;

THENCE ALONG SAID EASTERLY LINE SOUTH 19° 40' 05" WEST 15.01 FEET;

THENCE NORTH 70° 19' 55" WEST 60.00 FEET TO A POINT IN THE WESTERLY LINE OF HILOW ROAD AT THE BEGINNING OF A CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIAL BEARING OF NORTH 70° 19' 55" WEST AND A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 98° 32' 05" AN ARC DISTANCE OF 34.40 FEET TO A POINT IN THE SOUTHERLY LINE OF SHANNON ROAD LYING 30 FEET SOUTHERLY OF THE CENTERLINE THEREOF;

THENCE ALONG SAID SOUTHERLY LINE NORTH 78° 52' 00" WEST 55.70 FEET;

THENCE NORTH 19° 40' 00" EAST 10.11 FEET TO A POINT LYING 20 FEET SOUTHERLY OF THE CENTERLINE OF SHANNON ROAD;

THENCE NORTH 78° 52' 00" WEST 80.00 FEET;

THENCE SOUTH 19° 40' 00" WEST 10.11 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION.

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 Local Government Reorganization Act of 1985).
- 2. The proposed annexation is designated as: (To be completed by Town Staff)

SHANNON ROAD NO. 22 and consists of Annexation to the Town of Los Gatos of 0.87 acres on the (N/S/E/W) side of Shannon Road (street name) between E. La Chiguita Ave (street name) and Hilow Road (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:
An existing house is to be torn down and a new house is to be built in its place.

7. It is desired that the proposed annexation be made subject to the following terms and conditions:
NONE

- 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.

Exhibit B

