



MEETING DATE: 2/21/06
ITEM NO. 10

COUNCIL AGENDA REPORT

DATE: February 14, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: ADOPT RESOLUTION SETTING DATE (MARCH 20, 2006) FOR CONSIDERATION OF REORGANIZATION OF UNINHABITED AREA DESIGNATED "KENNEDY ROAD NO. 14", APPROXIMATELY 4.47 ACRES LOCATED AT 17222 FAWNDALE DRIVE (APNs: 537-19-022 AND 537-20-021)

RECOMMENDATION:

Adopt resolution setting date (March 20, 2006) for consideration of reorganization of uninhabited area designated "Kennedy Road No. 14", approximately 4.47 acres located at 17222 Fawndale Drive (APNs: 537-19-022 and 537-20-021).

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 received approval from the Planning Commission 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.

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

Reviewed by: PS Assistant Town Manager OK Town Attorney _____ Clerk Administrator
SL Finance _____ Community Development Revised: 2/14/06 8:17 am

DISCUSSION:

The Town has received a petition from Donald Perrucci, owner of the property at 17222 Fawndale Drive, requesting annexation to the Town of Los Gatos. The property is located along Kennedy, adjacent to the Town's southerly boundary and within the urban service area.

In addition to the lot proposed for annexation, the Town will also be acquiring approximately 2,082 linear feet of the northerly half of Kennedy Road (the southerly half is already in Town limits), in conformance with the Santa Clara County Road Annexation Policy.

The property is in the Town's Urban Services Area, boundary, and is rezoned HR-5 (hillside residential, one dwelling per five (5) acres). Annexation will allow "city" services to be extended to the property.

Request for waiver of the protest proceeding has been sent to Santa Clara County and the County Library Service Area. These agencies have ten (10) days to respond to the request. In past annexations, these agencies have been very quick to respond to the request and waive their right to a protest proceeding. The protest proceeding has been scheduled for March 6, 2006.

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	350.00 (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.

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MAYOR AND TOWN COUNCIL

SUBJECT: INTRODUCE KENNEDY ROAD NO. 14 ANNEXATION

February 14, 2006

Attachment:

Resolution making determinations and approving the reorganization of territory designated "Kennedy Road No. 14" approximately 4.47 acres located at 17222 Fawndale Drive (APN: 537-19-022 and 537-20-021) - (with Exhibits A and B).

- A. Legal Description of Kennedy Road No. 14 Annexation.
- B. Plat to Accompany Legal Description.

Distribution:

Donald Perrucci, 96 N. Third St., Suite 275, San Jose, CA 95112

Terry Szewczyk, TS Civil Engineering, 1776 Technology Dr., San Jose, CA 95110

Michael Lopez, Interim Planning Manager, Environmental Resources Agency, County Government Center, East Wing, 70 W. Hedding Street, 7th Floor, 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
“KENNEDY ROAD NO. 14,”
PROPERTY LOCATED AT 17222 FAWNDALE DRIVE;
APPROXIMATELY 4.47 ACRES (APN: 537-19-022 AND 537-20-021)

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated “Kennedy Road No. 14” from Donald Perrucci; and

WHEREAS, the property, 4.47 acres, more or less, at 17222 Fawndale Drive (APN: 537-19-022 and 537-20-021) 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 designation of HR-5 (hillside residential, five (5) acres per lot) ; 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 "Kennedy Road No. 14" at their regular meeting of March 20, 2006.

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 30, 2003

EXHIBIT A

TOWN OF LOS GATOS
ANNEXATION
KENNEDY ROAD NO. 14

All that certain real property situate in the County of Santa Clara, State of California, being described as follows:

BEGINNING at the Southeasterly corner of that certain annexation to the Town of Los Gatos entitled "Top of the Hill Road #5, said point also being in the Northerly line of that certain annexation to the Town of Los Gatos entitled "Kennedy Road #7, said point also being in the monument line of Kennedy Road (40 feet wide); thence along the Northerly line of Kennedy Road #7 the following courses and distances:

North 80°02'02" East 57.24 feet,

along a tangent curve to the right, having a radius of 400.00 feet, through a central angle of 16°51'58", an arc distance of 117.75 feet,

South 83°06'00" East 110.61 feet,

along a tangent curve to the left, having a radius of 200.00 feet, through a central angle of 34°46'53", an arc distance of 121.41 feet,

North 62°07'07" East 110.74 feet,

along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 28°21'21", an arc distance of 98.98 feet,

South 89°31'32" East 165.88 feet,

along a tangent curve to the right, having a radius of 100.00 feet, through a central angle of 56°58'29", an arc distance of 99.44 feet,

South 32°33'04" East 110.09 feet,

along a tangent curve to the left, having a radius of 500.00 feet, through a central angle of 09°01'49", an arc distance of 78.80 feet,

South 41°34'53" East 105.21 feet,

along a tangent curve to the right, having a radius of 100.00 feet, through a central angle of 44°00'00", an arc distance of 76.79 feet,

South 02°25'07" West 62.11 feet,

along a tangent curve to the right, having a radius of 100.0 feet, through a central angle of 95°48'54", an arc distance of 167.23 feet,

North 81°45'59" West 14.96 feet,

North 80°45'59" West 196.64 feet,

North 74°44'14" West 179.05 feet,

along a tangent curve to the left, with a radius of 60.00 feet, through a central angle of 162°05'00", an arc distance of 169.73 feet

to the point of intersection with the Northerly prolongation of the Southeasterly line of that certain parcel of land conveyed to G.A. Shaffer by Deed recorded February 7, 1958 in Book 4001, page 141, Santa Clara County Records; thence along said Southeasterly line, South 02°30'00" East 23.20 feet to the Southerly line of Kennedy Road (40 feet wide); thence leaving said North line of said Kennedy Road No. 7 along the said Southerly line of Kennedy Road, along a curve to the left having a radius of 80.00 feet, through a central angle of 11°15'00", an arc distance of 15.71 feet; thence North 12°11'26" East 40.00 feet to the Northerly line of Kennedy Road (40.00 feet in width); thence along said Northerly line the following courses:

along a curve to the right, having a radius of 40.00 feet, from a point with a radial bearing of North 12°11'26" East, through a central angle of 183°04'20", an arc distance of 127.81 feet,

South 74°44'14" East 180.10 feet,

South 80°45'59" East 197.87 feet,

South 81°45'59" East 15.13 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of 95°48'54", an arc distance of 200.67 feet,

North 02°25'07" East 62.11 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of 33°38'57", an arc distance of 70.47 feet

to the South line of Parcel B, as said Parcel is shown upon that certain Record of Survey field in Book 216 of Maps at page 21, Santa Clara County Records; thence along said South line, North 88°57'47" East 281.46 feet to the Southeast corner of said Parcel B; thence along the East line of said Parcel B, North 01°02'13" West 179.46 feet; thence leaving said East line, South 49°56'03" East 156.57 feet; thence South 66°41'11" East 158.74 feet; thence North 10°57'57" East 8.02

feet; thence North 47°44'57" East 77.65 feet; thence North 01°50'57" East 49.67 feet; thence North 62°21'02" West 154.40 feet; thence North 70°28'13" West 128.02 feet; thence South 86°37'06" West 69.93 feet to the East line of said Parcel B; thence along said East line, North 01°02'13" West 57.98 feet; thence leaving said East line, North 59°05'54" West 346.96 feet; thence South 00°59'13" East 458.80 feet to the said Northerly line of Kennedy Road; thence along said Northerly line the following courses:

North 41°34'53" West 103.91 feet,

along a tangent curve to the right, having a radius of 480.00 feet, through a central angle of 09°01'49", an arc distance of 75.65 feet,

North 32°33'04" West 110.09 feet,

along a tangent curve to the left, having a radius of 120.00 feet, through a central angle of 56°58'29", an arc distance of 119.33 feet,

North 89°31'32" West 165.88 feet,

along a tangent curve to the left, having a radius of 220.00 feet, through a central angle of 28°21'21", an arc distance of 108.88 feet,

South 62°07'07" West 110.74 feet,

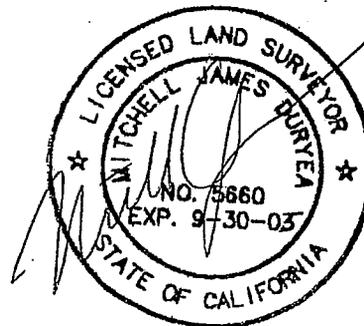
along a tangent curve to the right, having a radius of 180.00 feet, through a central angle of 34°46'53", an arc distance of 109.27 feet,

North 83°06'00" West 110.61 feet,

along a tangent curve to the left, having a radius of 420.00 feet, through a central angle of 16°51'58", an arc distance of 123.64 feet, and

South 80°02'02" West 53.84 feet

to the East line of said Top of the Hill Road #5 Annexation; thence along said East line, South 00°19'09" East 20.29 feet to the said point of beginning, containing 4.47 acres of land, more or less.

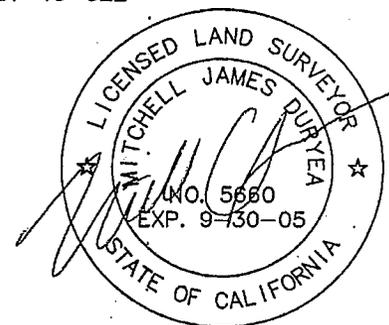
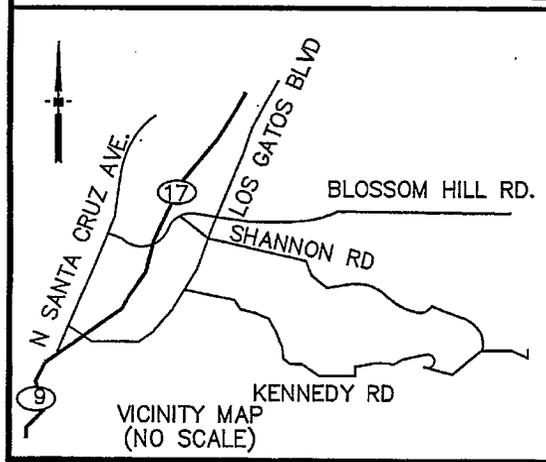
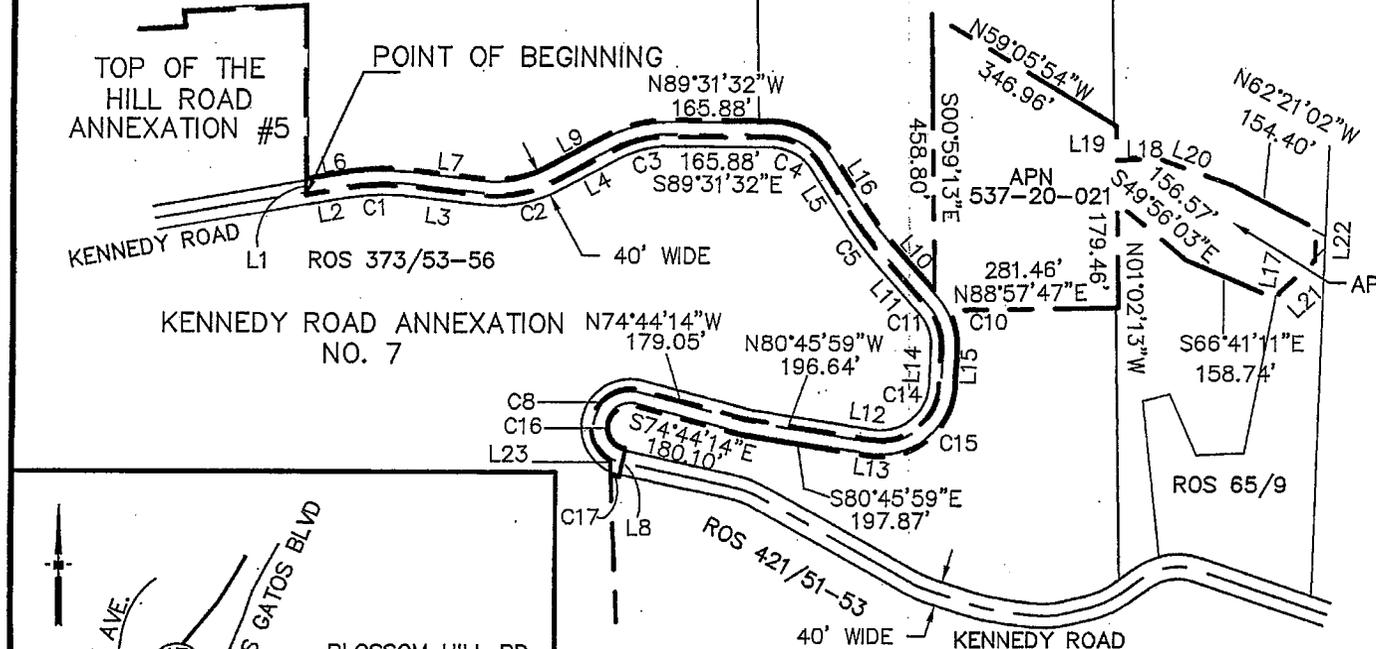


CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CURVE	RADIUS	LENGTH	DELTA
C1	400.00'	117.75'	16°51'58"	C16	40.00'	127.81'	183°04'20"
C2	200.00'	121.41'	34°46'53"	C17	80.00'	15.71'	11°15'00"
C3	200.00'	98.98'	28°21'21"				
C4	100.00'	99.44'	56°58'29"				
C5	500.00'	78.80'	09°01'49"				
C6	180.00'	109.27'	34°46'53"				
C7	420.00'	123.64'	16°51'58"				
C8	60.00'	169.73'	162°05'00"				
C9	220.00'	108.88'	28°21'21"				
C10	120.00'	70.47'	33°38'57"				
C11	100.00'	76.79'	44°00'00"				
C12	480.00'	75.65'	09°01'49"				
C13	120.00'	119.33'	56°58'29"				
C14	100.00'	167.23'	95°48'54"				
C15	120.00'	200.67'	95°48'54"				

LINE TABLE

LINE	BEARING	LENGTH
L1	S00°19'09"E	20.29
L2	N80°02'02"E	57.24
L3	S83°06'00"E	110.61
L4	N62°07'07"E	110.74
L5	S32°33'04"E	110.09
L6	S80°02'02"W	53.84
L7	N83°06'00"W	110.61
L8	N12°11'26"E	40.00
L9	S62°07'07"W	110.74
L10	N41°34'53"W	103.91
L11	S41°34'53"E	105.21
L12	N81°45'59"W	14.96
L13	S81°45'59"E	15.13
L14	S02°25'07"W	62.11
L15	N02°25'07"E	62.11
L16	N32°33'04"W	110.09
L17	N10°57'57"E	8.02
L18	S86°37'06"W	69.93
L19	N01°02'13"W	57.98
L20	N70°28'13"W	128.02
L21	N47°44'57"E	77.65
L22	N01°50'57"E	49.67
L23	S02°30'00"E	23.20



4.47± ACRES

EXHIBIT B
 PROPOSED ANNEXATION TO THE
 TOWN OF LOS GATOS
 ENTITLED:
 KENNEDY ROAD NO. 14

DATE: MARCH 2003 SCALE: 1"=300'
 BY: TS CIVIL ENGINEERING

REVISED: 9/30/03

--- BOUNDARY LINE OF PROPOSED ANNEXATION
 --- EXISTING TOWN LIMITS BOUNDARY