



MEETING DATE: 2/6/06  
ITEM NO. 3

### COUNCIL AGENDA REPORT

DATE: February 1, 2006

TO: MAYOR AND TOWN COUNCIL 

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: ADOPT RESOLUTION SETTING DATE (FEBRUARY 21, 2006) FOR CONSIDERATION OF REORGANIZATION OF UNINHABITED AREA DESIGNATED "SHANNON ROAD NO. 22," APPROXIMATELY 0.87 ACRES LOCATED AT 16470 SHANNON ROAD (APN: 532-04-031).

RECOMMENDATION:

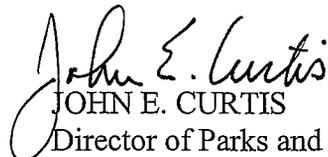
Adopt resolution setting date (February 21, 2006) for consideration of reorganization of uninhabited area designated "Shannon Road No. 22," approximately 0.87 acres located at 16470 Shannon Road (APN: 532-04-031) - (Attachment 1).

BACKGROUND:

On June 17, 2002, the Town Council of the Town of Los Gatos adopted Resolution 2002-92 (Attachment 2), approving the annexation of the property at 16470 Shannon Road. A certified copy of the resolution, along with several other documents, and fees for Local Agency Formation Commission (LAFCO) and the State Board of Equalization (SBE) were necessary in order for a certificate of completion to be recorded for the annexation. A letter was sent to the property owner requesting payment of the fees (Attachment 3). However, they were not paid. Government Code section 57001 states that if a certificate of completion is not filed within one year after the proposal is approved, then the proposal is deemed abandoned unless, prior to the expiration of that year, a continuation is authorized. A continuation was not requested or authorized for this annexation.

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.

PREPARED BY:

  
 JOHN E. CURTIS  
 Director of Parks and Public Works

Reviewed by: :  Assistant Town Manager  Town Attorney  Clerk Administrator  
 Finance  Community Development Revised: 2/1/06 7:42 am

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 the Town 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 Jerome and Alissa Park (Attachment 4), owners of the property at 16470 Shannon Road, requesting annexation to the Town of Los Gatos. The property is located along the South side of Shannon Road, between La Chiquita Avenue and Hilow Road, in one of the unincorporated "island" of the County.

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."

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 approval of the annexation has been scheduled for the February 21, 2006 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 (due)
State Board of Equalization Fee . . . . .	300.00 (due)

PAGE 3  
MAYOR AND TOWN COUNCIL  
SUBJECT: INTRODUCE SHANNON ROAD NO. 22 ANNEXATION  
February 1, 2006

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. Resolution 2002-92
3. Letter requesting payment of the fees
4. 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  
SETTING DATE FOR CONSIDERATION OF REORGANIZATION  
OF UNINHABITED TERRITORY DESIGNATED  
"SHANNON ROAD NO. 22,"  
PROPERTY LOCATED AT 16470 SHANNON ROAD;  
APPROXIMATELY 0.87 ACRES (APN: 532-04-031)

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated "Shannon Road No. 22" from Jerome and Alissa Park; and

WHEREAS, the property, 0.87 acres, more or less, at 16470 Shannon Road (APN: 532-04-031) 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 pre zoning 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 "Shannon Road No. 22" at their regular meeting of February 21, 2005.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 6<sup>th</sup> 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

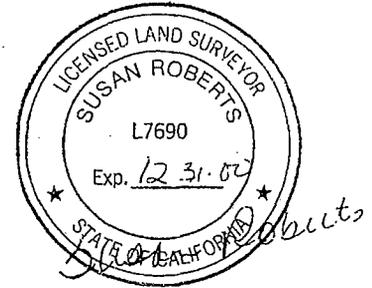
JOB NO 00142

"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  $11^{\circ} 08' 00''$  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  $11^{\circ} 08' 00''$  WEST AND A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF  $81^{\circ} 27' 55''$  AN ARC DISTANCE OF 28.44 FEET TO A POINT IN THE EASTERLY LINE OF HILOW ROAD;

THENCE ALONG SAID EASTERLY LINE SOUTH  $19^{\circ} 40' 05''$  WEST 15.01 FEET;

THENCE NORTH  $70^{\circ} 19' 55''$  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  $70^{\circ} 19' 55''$  WEST AND A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF  $98^{\circ} 32' 05''$  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  $78^{\circ} 52' 00''$  WEST 55.70 FEET;

THENCE NORTH  $19^{\circ} 40' 00''$  EAST 10.11 FEET TO A POINT LYING 20 FEET SOUTHERLY OF THE CENTERLINE OF SHANNON ROAD;

THENCE NORTH  $78^{\circ} 52' 00''$  WEST 80.00 FEET;

THENCE SOUTH  $19^{\circ} 40' 00''$  WEST 10.11 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION.



**RESOLUTION 2002 - 92**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ORDERING THE REORGANIZATION  
OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS  
SHANNON ROAD NO. 22  
(APN: 532-04-031)  
TO THE TOWN OF LOS GATOS**

**WHEREAS**, the proposed reorganization to the Town of Los Gatos consisting of all that unincorporated territory designated as Shannon Road No. 22 (APN: 532-04-031), consisting of approximately 0.87 acres, located generally on the southerly side of Shannon Road, between La Chiquita Avenue and Hilow Road, in the County of Santa Clara is proposed for reorganization to the Town of Los Gatos pursuant to Division 3 of Title 5, commencing with Section 56000 et seq. of the Government Code;

**WHEREAS**, the Town of Los Gatos is authorized by Section 56757 to act as the conducting authority with exclusive power to approve reorganizations within its urban service area;

**WHEREAS**, the Town of Los Gatos has received a petition signed by all the owners of land within the territory to be reorganized, and pursuant to Section 56663 of the Government Code, the Town Council of the Town of Los Gatos may initiate proceedings to reorganize said territory without notice, hearing or election, in the manner described in Section 57002 (d) of the Government Code of the State of California;

**RESOLVED**, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California that the following findings are true and correct:

1. The project is exempt from C.E.Q.A. under the provisions of the California Administrative Code, Title 14, Section 15061(b)(3).
2. The territory is "Uninhabited" as defined in Section 56046 of the Government Code of the State of California
3. The unincorporated territory is within the Town's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.

4. That the County Surveyor has determined that the boundaries of the proposed reorganization are definite and certain.
5. The proposal does not split lines of assessment or ownership.
6. The proposed reorganization does not create islands or areas in which it would be difficult to provide municipal services.
7. The proposal is consistent with the Town's adopted general plan.
8. The territory is contiguous with the Town's boundaries.
9. The reason for the proposed reorganization is to properly plan and provide municipal services to the area that is contiguous to the Town.
10. All of the owners of property within the territory proposed for reorganization have consented to the reorganization.

**FURTHER RESOLVED**, by the Town Council of the Town of Los Gatos, a municipal corporation of the County of Santa Clara, State of California, that pursuant to the provisions of Section 57075 of the Government Code of the State of California, the reorganization to the Town of Los Gatos of that territory designated as Shannon Road No. 22, and described in real property description and map attached hereto, marked Exhibits "A" and "B", respectively, is approved, and that the same be reorganized to the Town of Los Gatos.

**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.

**FURTHER RESOLVED**, that upon completion of these reorganization proceedings the territory reorganized will be detached from Santa Clara County Library Service Area.

**FINALLY RESOLVED**, that the Town Clerk is authorized, and is hereby directed, pursuant to Section 57200 of the Government Code, to prepare under seal a certified copy of this resolution, giving the date of passage, and immediately transmit same along with a remittance to cover the fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission of Santa Clara County.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 17<sup>th</sup> day of June, 2002, by the following vote:

**COUNCIL MEMBERS:**

**AYES:** Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,  
Mayor Randy Attaway.

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**SIGNED:**

/s/ Randy Attaway  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**ATTEST:**

/s/ Marian V. Cosgrove  
CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS**  
**PARKS & PUBLIC WORKS DEPARTMENT**  
**ENGINEERING DIVISION**  
**PHONE (408) 399-5771**  
**FAX (408) 399-5763**

SERVICE CENTER  
41 MILES AVENUE  
P.O. BOX 949  
LOS GATOS, CA 95031

March 10, 2003

Mr. and Mrs. Jerome J. Park  
16470 Shannon Road  
Los Gatos, CA 95032

**RE: Shannon Road No. 22**  
**Annexation to the Town of Los Gatos**

Dear Mr. & Mrs. Park:

On June 17, 2002, the Town Council of the Town of Los Gatos adopted Resolution 2002-92, approving the annexation of your property at 16470 Shannon Road. A certified copy of the resolution, along with several other documents, and fees must be sent to L.A.F.C.O. (Local Agency Formation Commission) and S.B.E. (State Board of Equalization).

The enclosed letter was sent to you prior to the Council meeting requesting check for those fees. To date, we have not received those fees and the annexation has not been completed. In order to complete your annexation, please submit checks made out to the following agencies to Marlyn Rasmussen in the Town Clerk's Office:

L.A.F.C.O.	\$340.00
S.B.E.	\$300.00

If the annexation is not recorded, it will not be considered complete and the property will not be in the jurisdiction of the Town of Los Gatos.

If you have additional questions concerning this project, please telephone me at (408) 395-5310 or e-mail me at: pduarte@town.los-gatos.ca.us. Or you can contact Marlyn at (408) 354-6834 or mrasmussen@town.los-gatos.ca.us.

Sincerely,

TRISH DUARTE  
Senior Engineering Technician

cc: Marlyn Rasmussen, Senior Deputy Town Clerk

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. LaChiguite 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.

9. The undersigned proponents (✓)do/(~~do~~)do not (check one) own 100 percent of the territory proposed for annexation.

Wherefore, petitioner(s) request(s) that be taken in accordance with the provisions of Section 56000 et seq. of the Government Code, and herewith affix signature(s) as follows:

SIGNATURES  
OF PETITIONERS

(PLEASE PRINT NAME  
BELOW SIGNATURE)

MAILING ADDRESS

ASSESSOR'S  
PARCEL NO.

<u>Jerome J. Park</u> Jerome J. Park	<u>16470 Shannon Rd</u> Los Gatos CA 95032	<u>532-04-031</u>
DATE: <u>5/22/00</u>	PHONE: H - <u>(408) 356-1611</u> W - <u>(650) 937-3205</u>	
<u>Hye Jung Park</u> HYE JUNG PARK	<u>Same as above</u>	<u>Same as above</u>
DATE: <u>5/22/00</u>	PHONE: H - ( ) W - ( )	
DATE: _____	PHONE: H - ( ) W - ( )	

Additional signatures on separate sheet.

WHEN COMPLETE RETURN TO:

TOWN OF LOS GATOS  
PLANNING DEPARTMENT  
P.O. BOX 949  
LOS GATOS, CALIFORNIA 95031

PHONE: (408) 354-6872