



MEETING DATE: 4/17/06
ITEM NO.

12

COUNCIL AGENDA REPORT

DATE: April 4, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION SETTING DATE (MAY 1, 2006) FOR CONSIDERATION OF REORGANIZATION OF UNINHABITED AREA DESIGNATED "MIREVAL ROAD NO. 3", APPROXIMATELY 15.4 ACRES LOCATED AT THE END OF MIREVAL ROAD (APN: 532-25-027)

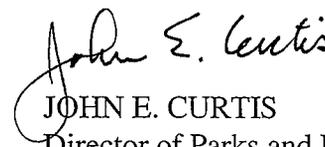
RECOMMENDATION:

Adopt resolution setting date for consideration of reorganization of uninhabited area designated "Mireval Road No. 3", approximately 15.4 acres located at the End of Mireval Road (APN: 532-25-027).

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 requested 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. 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
Sc Finance _____ Community Development Revised: 4/4/06 2:09 pm

DISCUSSION:

The Town has received a petition from Maureen Sturla (Attachment 2), owner of the property at the End of Mireval Road, requesting annexation to the Town of Los Gatos. The property is located adjacent to the southerly boundary of the Town, near Teresita and Ravinia Ways.

The property is in the Town's Urban Services Area, boundary, and is rezoned HR- 5 (hillside residential, five (5) to forty (40) acres for each dwelling unit). 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 protest proceeding has been scheduled for May 1, 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	800.00 (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:

Resolution making determinations and approving the reorganization of territory designated "Mireval Road No. 3" approximately 15.4 acres located at the End of Mireval Road (APN: 532-25-027) - (with Exhibits A and B).

- A. Legal Description of Mireval Road No. 3 Annexation.
- B. Plat to Accompany Legal Description.

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MAYOR AND TOWN COUNCIL

SUBJECT: INTRODUCE MIREVAL ROAD NO. 3 ANNEXATION

April 6, 2006

Distribution:

Maureen Sturla, 20170 Bonnie Brae Drive, Saratoga, CA 95070

Gary Stokes, P.O. Box 1680, Gilroy, CA 95021

Michael Lopez, Interim Planning 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
SETTING DATE FOR CONSIDERATION OF REORGANIZATION
OF UNINHABITED TERRITORY DESIGNATED
“MIREVAL ROAD NO. 3,”
PROPERTY LOCATED AT THE END OF MIREVAL ROAD;
APPROXIMATELY 15.4 ACRES (APN: 532-25-027)

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated “Mireval Road No. 3” from Maureen Sturla; and

WHEREAS, the property, 15.4 acres, more or less, at the End of Mireval Road (APN: 532-25-027) 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 HR-5 (hillside residential, five (5) to forty (40) acres for each dwelling unit); 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 "Mireval Road No. 3" at their regular meeting of May 1, 2006.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th of April 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

EXHIBIT "A"
ANNEXATION TO THE TOWN OF LOS GATOS
MIREVAL ROAD NO. 3

All of that certain real property situate in a portion of Section 27, Township 8 South, Range 1 West, Mount Diablo Base and Meridian, in the Unincorporated Area of the County of Santa Clara, State of California, described as follows:

BEGINNING at the common corner for Sections 22, 23, 26 and 27 in the aforementioned Township 8 South, Range 1 West, Mount Diablo Base and Meridian; said point also being on the boundary of the annexation to the Town of Los Gatos entitled Cypress No.1;

Thence (1) S89°40'10"W 1074.62 feet, more or less, along the Northerly line of said Section 27 and said boundary of the Town of Los Gatos to the point of intersection thereof with the centerline of Cypress Ranch Road also known as Mireval Road (formerly known as Old McBride Road), said point being also the Northeasterly corner of that certain parcel of land conveyed by Effie Walton to H. A. Bewley, by Deed dated August 21, 1953 and recorded August 28, 1953 in Book 2711 of Official Records at page 530, Santa Clara County Records;

Thence leaving said Town boundary and proceeding along said centerline, (2) S 61°42' E 139.75 feet;

Thence continuing along said centerline, (3) S 0°15' E 34.46 feet to an angle point in the Northerly line of that certain parcel of land conveyed by Effie Walton to Sue E. Kinney by the Deed recorded September 13, 1950 in Book 2053 of Official Records at page 75, Santa Clara Records;

Thence leaving said centerline and proceeding along the Northerly line of said Kinney parcel, (4) N 60°08' E 50.42 feet;

Thence leaving said Northerly line of Kinney parcel and proceeding along the Easterly line of Kinney parcel, (5) S 2°35' E 677 feet, more or less, to the Southeasterly corner of said parcel of land conveyed to Kinney and the Southerly line of that certain 27 acre tract conveyed by Earl C. Popp et ux to Effie Walton by a Deed dated December 30, 1948 and recorded December 31, 1948 in Book 1726 of Official Records at page 336, Santa Clara County Records;

Thence (6) N89°40'10"E 630.00 feet, more or less, along the Southerly line of said 27 acre tract to a point on the Northerly boundary of the annexation to the Town of Los Gatos entitled Blackberry Hill Road #3;

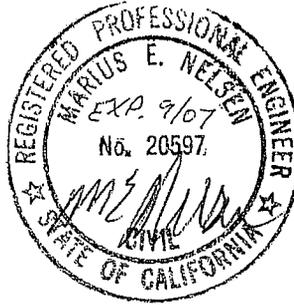
Thence proceeding along the Northerly boundary of said annexation, (7) N89°40'10"E 221.85 feet more or less to a 1 ½ inch diameter pipe in the boundary between said Sections 26 and 27 and said pipe also being on the boundary of the annexation to the Town of Los Gatos entitled Kennedy Road #5;

Thence proceeding along said Section line and boundary of the Town of Los Gatos, (8) N01°55'34"E 753.63 feet more or less to the **POINT OF BEGINNING** of this description.

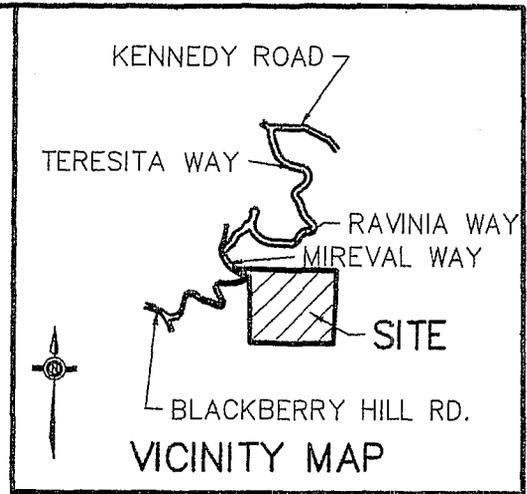
Containing 15.4 acres more or less and being a portion of the Northeast ¼ of the aforementioned Section 27.

March 6, 2006

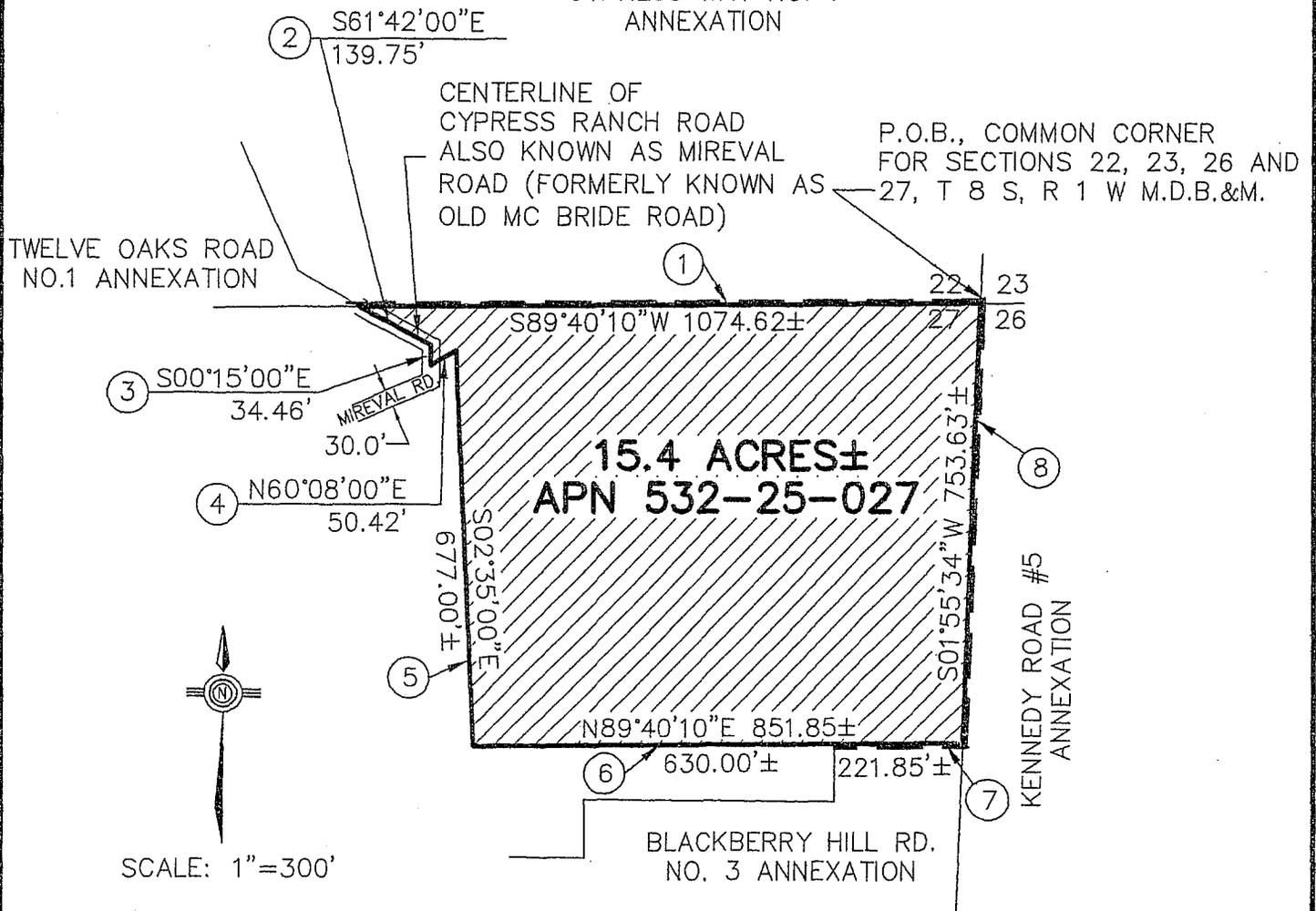
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PLAT TO ACCOMPANY EXHIBIT A FOR ANNEXATION ENTITLED MIREVAL ROAD NO. 3



CYPRESS WAY NO. 1
ANNEXATION



LEGEND

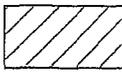
-  AREA OF PROPOSED ANNEXATION
-  BOUNDARY LINE OF PROPOSED ANNEXATION
-  EXISTING TOWN LIMITS LINE

EXHIBIT B	
PROPOSED ANNEXATION TO TOWN OF LOS GATOS ENTITLED MIREVAL ROAD NO. 3	
DATE: OCTOBER 19, 2005	SCALE: 1" = 300'
BY: C.A.D.	Exhibit B