



MEETING DATE: 5/1/06

ITEM NO. 5

COUNCIL AGENDA REPORT

DATE: April 20, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER
SUBJECT: ADOPT 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)

RECOMMENDATION:

Adopt 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).

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's representative has indicated that a minor land division will be requested for this parcel.

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 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 southerly of Teresita and Ravinia Ways, one of the "islands" of unincorporated County land.

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

Reviewed by: Assistant Town Manager, Town Attorney, Clerk Administrator, Finance, Community Development. Revised: 4/20/06 1:58 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: APPROVAL OF MIREVAL ROAD NO. 3 ANNEXATION

April 20, 2006

The property is in the Town's Urban Services Area, boundary, and is rezoned HR-5 (hillside residential, five (5) to forty (40) acres per dwelling unit). Annexation will allow "city" services to be extended to the property.

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)
LAFCO Processing Fee	670.00 (received)
State Board of Equalization Fee	800.00 (received)

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 "Mireval Road No. 3," approximately 15.4 acres located at the End of Mireval Road (APN: 532-25-027).
 - A. Legal Description of Mireval Road No. 3 Annexation.
 - B. Plat to Accompany Legal Description.
2. Petition for Annexation

Distribution:

Maureen Sturla, 20170 Bonnie Brae Dr., Saratoga, CA 95070

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

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
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)

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 15.4 acres on the End of Mireval Road (APN: 532-25-027) has been filed by Maureen Sturla; 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 "Mireval Road 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 15.4 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 25 years ago to pre-zone these properties with a designation of HR-5 (hillside residential, five (5) to forty (40) acres per dwelling unit).
 - 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 street 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 1st of May 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

J:\jobs\sturla\EXHIBIT B1.doc



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-Hertzberg Local Government Reorganization Act of 2000).

2. The proposed annexation is designated as: (To be completed by Town Staff)

Mireval Road No. 3 and consists of
Annexation to the Town of Los Gatos of 15 ± acres on the (N/S/E/W) side
of MIREVAL RD. (street name) between ~~AVENUE~~
(street name) and SOUTH OF RAVINIA WAY (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:

PROPOSED SINGLE RESIDENCE TO
OBTAIN MUNICIPAL SERVICES
(TWO (2) MAXIMUM)

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 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.
<i>MAUREEN S. Furia</i>	<i>20170 Bonnie Bree way & Saratoga, CA 95076</i>	<i>532-25-27</i>
DATE: <i>8-25-05</i>	Phone: H - <i>408-867-2937</i> W -	
DATE:	Phone: H - W -	
DATE:	Phone: H - W -	

For additional signatures, use Supplemental Petition.

WHEN COMPLETE RETURN TO:

**TOWN OF LOS GATOS
PARKS & PUBLIC WORKS DEPARTMENT
P.O. BOX 949
LOS GATOS, CALIFORNIA 95031**

PHONE: (408) 399-5771