



TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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GUIDE TO 100% CONSENT, UNINHABITED* ANNEXATIONS

In order for property to be considered for annexation to the Town, one of the property lines of the lot(s) proposed for annexation must be along the existing boundary of the Town or the property must be within 300 feet of the Town boundary, along a public street.

Annexation of an unincorporated area to the Town of Los Gatos is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3, Title 5, Section 56000 et. seq. of the California Government Code).

*Section 56046 of the California Government code defines "Inhabited" as "territory within which there resides 12 or more registered voters." That is to say that although the area proposed to be annexed is not vacant, it may legally be considered "uninhabited." This type of annexation is usually one or two adjacent lots that wish to annex to the Town.

APPLICATION:

1. The property owner(s) obtains a "Petition for the Annexation of Territory to the Town of Los Gatos" from the Engineering Division of the Parks & Public Works Department and signs it. At this time, an annexation title should be requested from the staff.
2. The following items shall be submitted to the Planning Division of the Community Development Department:
 - a. Annexation checklist (attached).
 - b. Petition for annexation (completed and signed).
 - c. Description of the area to be annexed, written to California State Board of Equalization standards and prepared by licensed surveyor retained by annexation petitioner.
 - d. Map, 8-1/2 inches by 11 inches, of the area to be annexed (prepared by licensed surveyor).
 - e. Appropriate fees (see Annexation Fee sheet).

PROCESSING:

1. The Planning Division staff submits three (3) copies of the description and map, review fee and copies of adjacent annexations to the Santa Clara County Surveyor's Office for review.
2. The County Surveyor's Office will check the submittal for compliance with State and local guidelines and will notify the Engineering Division staff and the surveyor who prepared the documents of the results. This step may take up to four months.

3. At the same time the description and map are sent to the County Surveyor's Office, copies are also sent to the Santa Clara County Assessor's Office, Mapping Division for review. The County Assessor's Office will determine which tax rate area (TRA) the property is currently in and if there are any special districts from which the property must be detached. The minimum fee for this review must be submitted to the Engineering Division along with other documents and fees. If additional time is required for this review, it is billed to the property owner or chief petitioner after completion of this review, based on the time spent on the review. This fee must be paid before the Assessor's Office will clear the annexation and provide the Engineering Division staff with the results.
4. After the County Surveyor's and County Assessor's Offices approve the annexation description and map, and before the annexation is heard by the Los Gatos Town Council, waiver of the protest hearing must be obtained from other agencies losing territory because of the annexation. The waivers are usually granted within two weeks.

TOWN COUNCIL ACTIONS:

1. After the waivers are received, checks for fees due to the Santa Clara County Local Agency Formation Commission (LAFCO) and the California State Board of Equalization must be submitted to the Clerk Administrator's Office at the Civic Center.
2. The annexation introduction is placed on the next regular Town Council agenda after receipt of those checks (usually 2 to 3 weeks). The "introduction" announces the Town's intent to annex the property and sets the date for the protest hearing. This item is on the "Consent" calendar and is generally acted on with other "Consent" items in a single motion near the beginning of the meeting. The property owner(s) will be sent a copy of the staff report and Council Agenda a few days before the meeting.
3. At the protest (public) hearing, the property owners residing within the area proposed for annexation are given the opportunity to object to the proceedings. However, since most of these types of annexations, the property owners have all signed the annexation petition, a protest proceeding is not required and the Council adopts a resolution ordering the annexation as a consent item also.

FINAL ACTION:

1. After approval by the Town Council, the Clerk Administrator's Office will send LAFCO certified copies of the Resolution approving the Annexation, the annexation description and map, and the fees for LAFCO and the State Board of Equalization.
2. The LAFCO Executive Director will certify the annexation and have the documents recorded at the County Recorder's Office. Copies of the recorded documents and the appropriate fees are then sent to the State Board of Equalization and copies are returned to the Town Clerk.
3. The Town Clerk's office will notify various government agencies of the approval of the annexation.
4. The State Board of Equalization will also certify the annexation, however, the annexation is considered complete after it is recorded by LAFCO.