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Sheet

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Deadline appeal by Santa Cruz halts annexation

A Superior Court decision upholding annexation to Capitola of the Sutter Hill shopping center on 41st Avenue is being appealed by the city of Santa Cruz.

In announcing the city's decision, Santa Cruz mayor Sally DiGirolomo said her council would have no objection to annexation of the entire Live Oak area including the Sutter Hill site to Capitola or to Santa Cruz. She also indicated that Santa Cruz would not look unfavorably on incorporation of Live Oak as a city.

But the opportunity to incorporate Live Oak would be lost forever if this revenue source is taken by Capitola at this time," she said.

In its appeal to the district court in San Francisco, the city will charge that the decision of the Local Agency Formation Commission (LAFCO) was illegal and unfair.

"If LAFCO is not going to follow its own rules," Mrs. DiGirolomo said, "the courts will

have to determine which rules it is supposed to follow."

She complained that the LAFCO decision rescinding its earlier approval of a vote on whether to split sales tax revenue from Sutter Hill between Capitola and the county was illegal. Also, she said, Santa Cruz was unfairly prevented from taking a seat on LAFCO during the part of the hassle over annexation of Sutter Hill.

The mayor said Santa Cruz could annex all of Live Oak to 41st Avenue now if the residents were willing and if the lucrative revenue based of the shopping center was available. She pointed

out that the city already provides water service to the area.

She said, however, that she believes the question of annexation or incorporation would be premature until the county prepares the Live Oak general plan.

"Our feeling is that what is urban must be municipal," Mrs. DiGirolomo said. "Live Oak is urban but it has grown in a disorderly manner."

Provision of service to Live Oak by the county causes a strain on all taxpayers, particularly those who also pay taxes in the four cities, she said.

"I don't care whether Santa Cruz annexes Live Oak or whether Live Oak incorporates as a city," the Mayor said. "I wouldn't even object if Capitola annexed the entire area of Live Oak instead of stopping at Rodeo Gulch. But what would happen under the LAFCO decision would be like taking the baby and splashing us with the bath water."

The deadline for appealing the Superior Court decision is today.