



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 14, 2008

Approved

Paul Krutz

Date

4/14/08

COUNCIL DISTRICT: 7
SNI AREA: N/A

SUBJECT: ANNEXATION OF MONTEREY PARK NO. 112 (PRIVATELY INITIATED)

Please place on the Consent Calendar of the May 6, 2008, City Council Agenda.

RECOMMENDATION

Adoption of a resolution initiating proceedings and setting May 20, 2008 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Monterey Park No. 112 which involves the annexation to the City of San Jose of 4.50 acres more or less of land located at the northeast corner of Monterey Road and Umbarger Road, and generally bounded by City of San Jose Annexations Monterey No. 7, Monterey Park No. 101-A, Franklin No. 34 and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, Sanitation District 2-3, and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Monterey Park No. 112" shall be annexed into the City of San José.

BACKGROUND

On February 26, 2008, the City Council adopted an Ordinance (No. 28249), which rezoned the subject property from unincorporated County to CN Commercial Neighborhood Zoning District (File No. C07-092) to allow commercial uses on two parcels.

The proposed annexation consists of two parcels (Assessors's Parcel Numbers 497-38-002 & 003) and the detachment of the same from the appropriate special districts including: County Lighting County Services, Central Fire Protection, Sanitation District 2-3, and Area No. 01 (Library Services) County Services. A map showing the affected territory is attached.

ANALYSIS

The applicants initiating the annexation consent to the annexation. The subject annexation is considered a consenting annexation or a 100% Consent annexation, as all of the landowners in the annexation have agreed to the annexation proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not require a public hearing and appurtenant noticing for a "100% Consent annexation." Therefore, a public hearing and appurtenant noticing is not required for initiation of the subject annexation.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy and the Cortese-Knox-Hertzberg Local Government Reorganization Act 2000, noticing requirements for 100% Consent Annexation (Initiation) is not required. A notice of rezoning is distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public

A notice of public hearing notice for the proposed annexation (affected area) was:

- 1) published in the local news paper,
- 2) mailed to all property owners and tenants within 500 feet of the exterior boundaries of the affected area.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

HONORABLE MAYOR AND CITY COUNCIL

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FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies that urban development should take place within the Urban Service Area.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Exempt.


for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions, please contact Planning, Building and Code Enforcement at 408-535-7800.

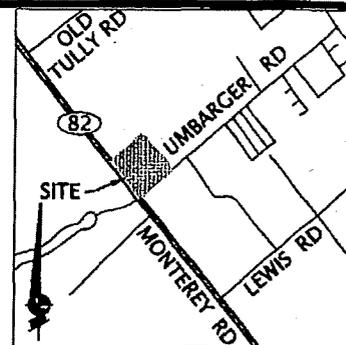
cc: Daniel J. Caputo Jr. Trustee Et. Al, 1530 Parkmoor Avenue, Unit A, San Jose, CA 95128
Elizabeth Holmes, 2079 Kent Drive, Los Altos, CA 94024-7028





LEGEND

PROPERTY LINE	
ADJACENT PROPERTY LINE	
CENTERLINE	
EXISTING CITY LIMIT LINE	



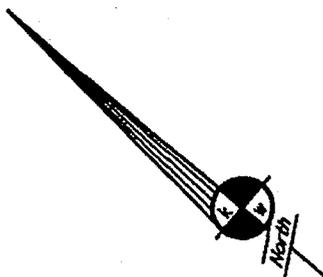
VICINITY MAP
NOT TO SCALE

CURVE TABLE:

CURVE	RADIUS	DELTA	LENGTH
C1	30.00'	94°56'43"	49.71'
C2	11060.00'	0°24'07"	77.59'

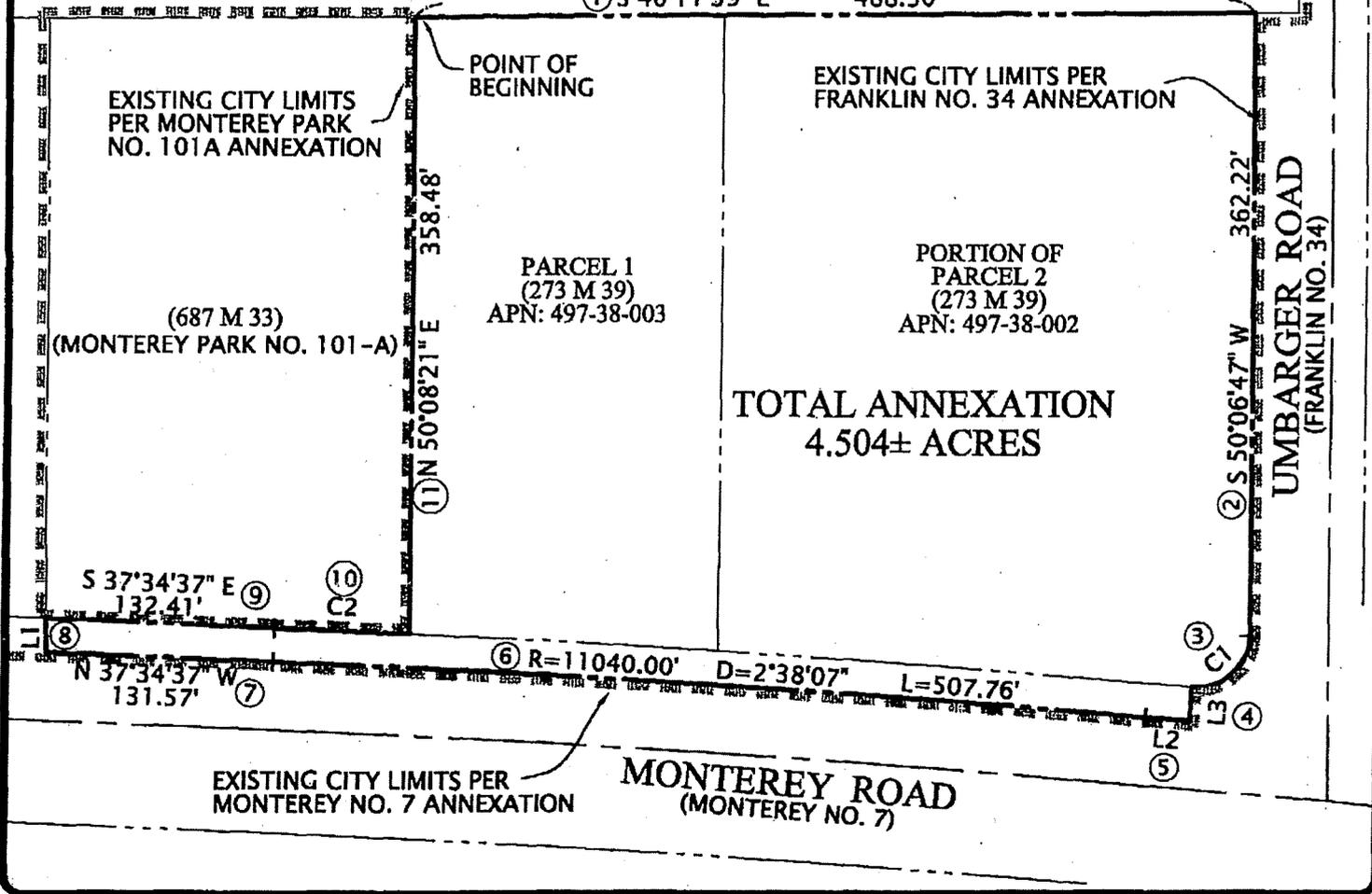
LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 50°00'46" E	20.02'
L2	N 34°56'30" W	25.86'
L3	S 55°03'30" W	20.00'



SANTA CLARA COUNTY FAIRGROUNDS

① S 40°11'39" E 488.30'



PLAT TO ACCOMPANY LEGAL DESCRIPTION
 PORTION OF PUEBLO TRACT NO. 1
 FOR: ANNEXATION MONTEREY PARK NO. 112

SAN JOSE

CALIFORNIA

EXHIBIT "B"



KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 3350 Scott Boulevard, Building 22
 Santa Clara, California 95054
 (408) 727 6665
 (408) 727 5641

DATE	FEB. 2008
SCALE	1" = 100'
DR. BY	SB
JOB	A07109
SHEET NO.	1 OF 1

EXHIBIT "A"
LEGAL DESCRIPTION
ANNEXATION TO THE CITY OF SAN JOSE
MONTEREY PARK NO. 112 ANNEXATION

All that certain real property lying within the unincorporated area of the County of Santa Clara, State of California, and being a portion of Pueblo Tract No. 1, and also being a portion of Monterey Road, all of Parcel 1 and a portion of Parcel 2 as shown on that certain Parcel Map filed for record on September 28, 1970 in Book 273 of Maps at Page 39, Santa Clara County Records, described as follows:

Beginning at the northerly corner of said Parcel 1, also being the most westerly corner of the city limits line as established by City's Annexation Monterey Park No. 101-A;

Thence (1) South 40°11'39" East, 488.30 feet, more or less, to a point intersecting with the city limits as established by City's Annexation Franklin No. 34;

Thence southwesterly along said city limit line (2) South 50°06'47" West, 362.22 feet;

Thence (3) along a tangent curve to the right with a radius of 30.00 feet, through a central angle of 94°56'43" for an arc length of 49.71 feet;

Thence (4) South 55°03'30" West, 20.00 feet to a point intersecting the city limits as established by City's Annexation Monterey No. 7;

Thence northwesterly along the city limit line as established by aforementioned Annexation (5) North 34°56'30" West, 25.86 feet;

Thence (6) along a curve to the left with a radius of 11,040.00 feet, through a central angle of 2°38'07" for an arc length of 507.76;

Thence (7) North 37 34'37" West, 131.57, more or less to a point intersecting the prolongation of the northwesterly line of city limit line as established by City's Annexation Monterey Park No. 101-A;

Thence northeasterly along said prolonged line (8) North 50 00'46" East, 20.02' to the westerly corner of the last said annexation;

Thence southerly along the southwesterly city limits of last said annexation (9) South 37 34'37" East, 132.41 feet;

Thence (10) along a curve to the right with a radius of 11,060.00 feet, through a central angle of 0°24'07" for an arc length of 77.59 to a point on the southeasterly line of last said annexation;

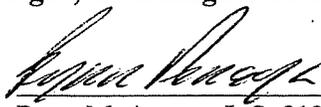
Thence along said southeasterly line (11) North 50°08'21" East, 358.48 feet to the Point of Beginning.

Said parcel contains 4.504 ± Acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

2-21-08
Date


Ryan M. Amaya, L.S. 8134

