



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** ANNEXATION MCKEE NO. 127

**DATE:** April 27, 2005

Approved

Date

5/3/05

**COUNCIL DISTRICT:** 5

## RECOMMENDATION

It is recommended that the City Council on May 17, 2005 at 7:00 p.m., at a public hearing, adopt a resolution initiating proceedings, and set June 21, 2005 at 7:00 p.m. for public hearing on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San Jose of 4.79 gross acres of land located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation District 2-3.

## BACKGROUND

The proposed annexation consists of two parcels (Assessors's Parcel Numbers 599-37-068 & 599-37-042) and the detachment of the same from the appropriate special districts including: Central Fire Protection, Area No. 01 (Library Services) County Services and County Sanitation District 2-3. Maps showing the affected territory is attached.

The annexation was initiated by the owner(s) (Foothill Presbytery Church of San Jose) of the one larger parcel fronting McKee Road (Assessor's Parcel Number 599-27-068). The second parcel, adjacent to the initiating parcel located north of McKee Road and approximately 200 feet east of Toyon Avenue was included in the annexation since it would become a residual county property, surrounded on all sides by San Jose territory if annexation of the larger parcel is ordered. The Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000 provides that an annexation proposal shall not create islands of one jurisdiction surrounded by another jurisdiction. It was, therefore, necessary to incorporate this remaining county parcel in the McKee No. 127 annexation in order to not create an island of County property surrounded by City jurisdiction.

### ANALYSIS

The applicant(s) initiating the annexation consent to the annexation. The owners of the second, adjacent smaller parcel (Robert and Carole Reek), included in the annexation so as not to create or leave a county pocket, were mailed a consent letter at the time of pre-zoning (File No. C04-038) requesting their consent to the annexation. To date, a consent letter has not been received for this county parcel, which means the subject annexation cannot be considered a consenting annexation or a 100% Consent annexation, as not all of the landowners in the annexation have agreed to the annexation proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a public hearing and appurtenant noticing for a "Non-100% Consent annexation." Therefore, a public hearing and appurtenant noticing is required for initiation of the subject annexation.

### OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "McKee No. 127" shall be annexed into the City of San José.

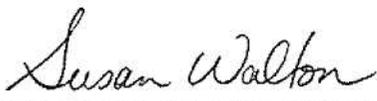
### PUBLIC OUTREACH

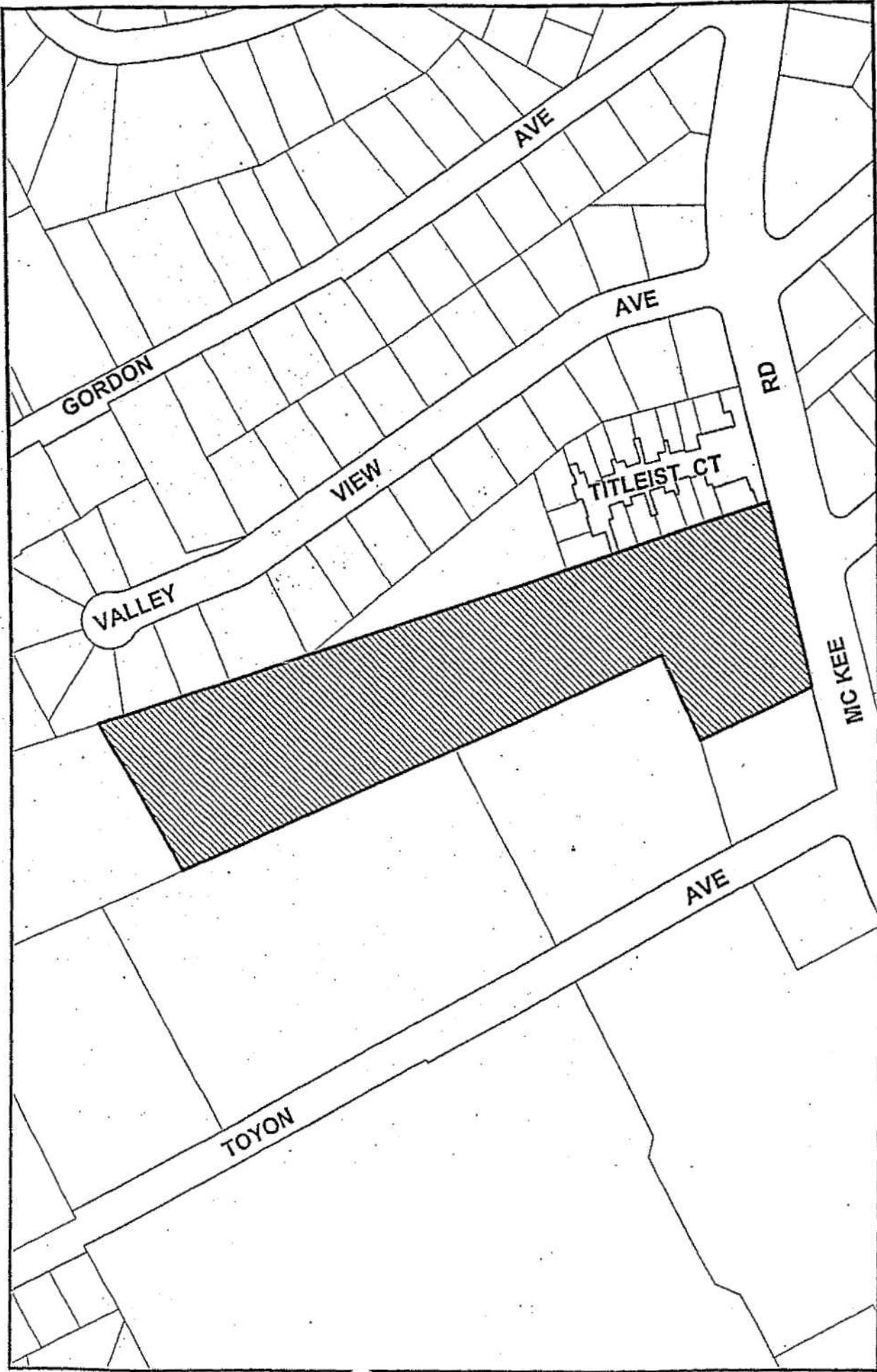
A notice of public hearing notice for the proposed annexation (affected area) was:

- 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,
- 3) mailed to all registered voters within 300 feet of the exterior boundaries of the affected area, and all affected agencies,
- 4) posted on the City's Official Bulletin Board
- 5) posted on the LAFCO website ([santaclara.lafco.ca.gov](http://santaclara.lafco.ca.gov))

### CEQA

Exempt.

  
for STEPHEN M. HAASE, DIRECTOR  
Planning, Building and Code Enforcement



Scale: 1" = 200'



File Number: MCKEE 127

Council District: 5

Quad Number: 52

 Subject Site

