



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: ANNEXATION MCKEE NO. 127

DATE: May 31, 2005

Approved

Date

June 8, 2005

COUNCIL DISTRICT: 5

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering 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 are 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 ordering of the subject annexation. The Registrar of Voters has certified that there are two registered voters in the affected area of the reorganization.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each such finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.** The site is located within the City's Urban Service Area.
2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** The County Surveyor has certified the boundaries of the reorganization.
3. **The proposal does not split lines of assessment or ownership.** All affected parcels are being reorganized in their entirety.
4. **The proposal does not create island or areas in which it would be difficult to provide municipal services.** As proposed, the annexation will not create islands. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory.
5. **The proposal is consistent with the City's adopted General Plan.** The proposed annexation is consistent with the City's adopted policy in that existing and future urban development should be located within cities.
6. **The territory is contiguous to existing City limits.** The area proposed to be reorganized is contiguous to the City limits along all sides as shown on the attached map.
7. **The City has compiled with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area.** No such conditions have been imposed.

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 for the proposed annexation (affected area) was:

- 1) published in the local newspaper,
- 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).

CEQA

Exempt.



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

"EXHIBIT A"

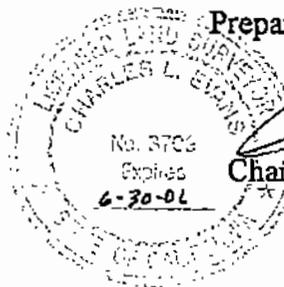
August 19, 2004-Revised September 30, 2004
Annexation to the City of San Jose

Name of Annexation: McKee No. 127

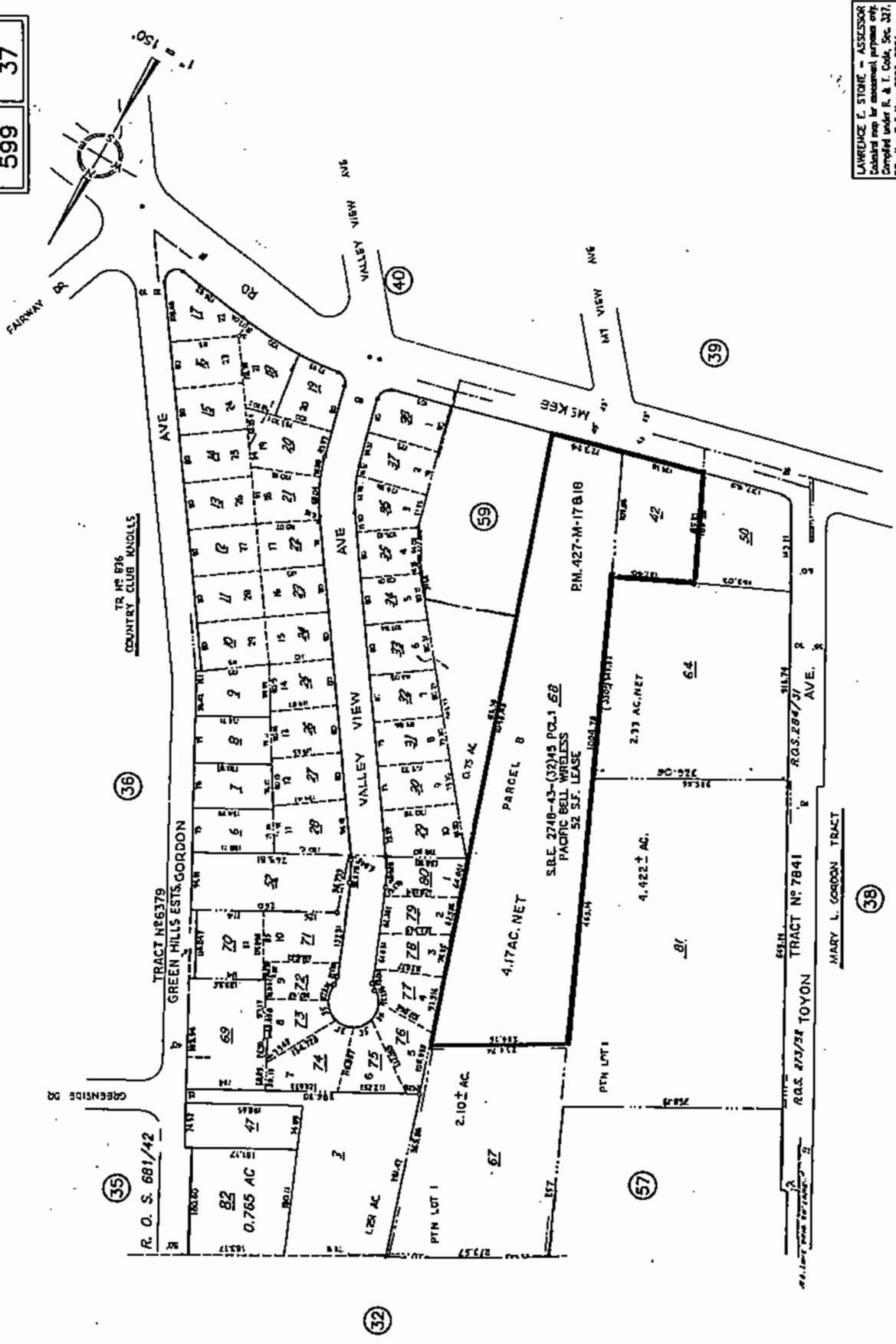
All that certain Real Property situated in the City of San Jose, County of Santa Clara, State of California, being all of Parcel B as shown and delineated on that certain Parcel Map recorded October 2, 1978 in Book 427 of Maps, at Pages 17 and 18, and that certain 0.623 acre parcel shown on the Record of Survey recorded on January 17, 1956, in book 65 of Maps at page 50, Santa Clara County Records, more particularly described as follows:

Beginning at the Southwest corner of said 0.623 acre Parcel being also a point on the existing City Limits line of the City of San Jose as established by annexations McKee No. 110 and McKee No. 37A; thence along the Westerly boundary line of said 0.623 acre Parcel and the existing City Limits Line of McKee No. 37A, North 24°25'30" West, 185.30 feet to the Northwest corner of said Parcel; thence along the Northerly boundary line and along said City annexation line, North 65°38'30" East, 137.37 feet to the Northeast corner of said 0.623 acre Parcel, being a point on the Westerly boundary of the aforementioned Parcel B, lying North 24°25'30" West, 207.83 feet from the Southwest corner; thence along the said Westerly boundary line and said annexation Line, North 24°25'30" West, 796.95 feet to the Northwest corner of Parcel B, being also a point on the McKee No. 95 annexation; thence along the Northerly boundary line and said annexation line, North 61°42'30" East, 234.25 feet to the Northeast corner; thence leaving said annexation line and along the Easterly boundary line of said Parcel B, South 18°16'10" East, 730.76 feet to a point on the McKee No. 110 annexation line; thence continuing along Easterly boundary line of said Parcel B and the last mentioned annexation line, South 18°16'10" East, 317.67 feet to the Northerly line of McKee Road; thence along said Northerly line and said annexation line, South 75°46'00" West, 123.24 feet to a point on the Easterly line of said 0.623 acre parcel; thence along said Easterly line, South 24°25'30" East, 2.03 feet to the Southeast corner of said 0.623 acre parcel; thence South 75°46'00" West, 139.58 feet to the point of beginning. Containing 4.798 Acres, more or less.

Prepared by:



Charles L. Evans
Charles L. Evans, LLS 3709



LAWRENCE E. STONE - ASSESSOR
 Calculated map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 337.
 Effective Roll Year 2003-2004

- Affected Area.