

**RESOLUTION NO. 73351**

**A Resolution of the Council of the City of San José initiating reorganization proceedings for the annexation and detachment of certain uninhabited territory designated as Story No. 57 and described herein, and giving notice of hearing on the proposed reorganization and written protests**

WHEREAS, the City of San José desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code of the annexation of certain territory to the City of San José and the detachment of the same from the Central Fire Protection, Area No.01 (Library Services) County Services, County Sanitation District 2-3; and

WHEREAS, this proposal includes an annexation to the City of San José located in the County of Santa Clara of unincorporated territory within the urban service area of said City and is not subject to review by the Local Agency Formation Commission as provided under Section 56757 of the California Government Code; and

WHEREAS, such territory is known by the short form designation of **Story No. 57** and a description of the boundaries of the territory is set forth in Exhibit "A" attached hereto and incorporated herein by this reference, and is subject to correction or revision as required; and

WHEREAS, a map showing the location of such territory is attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the property, 3.18± acres on the south side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (APN's 601-15-038; 039; and 040) is contiguous to the City of San José and is within its urban service area; and

WHEREAS, the following special district would be affected by the proposed annexation; Central Fire Protection, Area No.01 (Library Services) County Services, County Sanitation District 2-3 and

WHEREAS, annexation would be provided for the use of City Services; and

WHEREAS, this territory was rezoned by the City Council on June 13, 2005 to the City of San José rezoned designation of A(PD) Planned Development Zoning District on 2.66 acres (APNs: 601-15-038 and 039) and of R-1-5 Residence Zoning District on 0.22 acres (APN 601-15-040); and

WHEREAS, the City of San José, as Lead Agency for environmental review for the reorganization; and

WHEREAS, a Negative Declaration was prepared for a residential project under File Nos. PDC05-061/C05-079, said Negative Declaration became final on December 5, 2006, and this Council has considered and approved said Mitigated Negative Declaration in connection with this project; and

WHEREAS, the County Surveyor of Santa Clara County has found the legal description and map of the territory (Exhibits "A" and "B," respectively) to be in accordance with California Government Code Section 56757, the boundaries to be defined and certain, and the proposal to be in compliance with LAFCO's road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City of San José shall be the conducting authority for a reorganization including an annexation to the City; and

WHEREAS, the territory is uninhabited and all owners of land included in the proposal have not indicated their consent to the proposed annexation, but no property owner has contested the proposed annexation; and

WHEREAS, this proposal is consistent with the sphere of influence of the City of San José; and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: none

WHEREAS, the reason for the proposed reorganization is as follows: To facilitate subsequent development for residential uses.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

That the City Council hereby initiates proceedings for the proposed reorganization and gives notice that a hearing will be held on such reorganization on September 19, 2006, at 7:00 p.m. in the Council Chambers, City Hall, 200 East Santa Clara Street, San José, California. This Council is hereby designated as the conducting authority for said proceedings. By reason that the territory proposed to be reorganized is uninhabited, any owner of land within the

territory may file a written protest against the reorganization with the City Clerk of the City of San José at any time prior to the conclusion of the hearing provided; however, that all signatures without a date or bearing a date prior to the publication of the notice shall be disregarded for the purposes of ascertaining the value of any written protest. The Clerk of the City of San José is hereby directed to cause a notice of hearing on the proposed reorganization to be given as prescribed or required by law.

**ADOPTED** this 15th day of August, 2006, by the following vote:

**AYES:** CAMPOS, CHIRCO, CORTESE, LeZOTTE, NGUYEN,  
REED, WILLIAMS, YEAGER, CHAVEZ

**NOES:** NONE

**ABSENT:** PYLE; GONZALES

**DISQUALIFIED:** NONE

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CINDY CHAVEZ  
Vice Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

Attachment: Exhibits "A" and "B"  
Init, not100%/207-07