

RESOLUTION NO. 73431

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 **EVERGREEN NO. 191** DESCRIBED HEREIN AND SETTING THE DATE, TIME AND PLACE FOR CONSIDERATION OF SUCH REORGANIZATION

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, as the same may be amended from time to time, 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 Service; and

WHEREAS, this proposal includes an annexation to the City of San José of certain unincorporated territory within the urban service area of City described herein and located in the County of Santa Clara 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 unincorporated territory is known by the short form designation of “**Evergreen No. 191**,” and a description of the boundaries of this territory is set forth in Exhibit “A” attached hereto and incorporated herein by this reference, which description 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 subject real property, comprising 2.40 ± acres on the east side of Ruby Avenue, approximately four-hundred feet (400 ft) southerly of Holderman Drive, San Jose APN(s) 652-14-013 and -014, is contiguous to the City of San José and is within its urban service area; and

WHEREAS, the following special districts would be affected by the proposed annexation: Central Fire Protection, Area No. 01 (Library Services) County Service and;

WHEREAS, annexation would provide for the use of City services; and

WHEREAS, this unincorporated territory was rezoned by City on April 04, 2005 to the City of San José rezone designation of R-1-RR Single-Family Rural Residential Zoning District; and

WHEREAS, the City of San José is the Lead Agency for environmental review for the reorganization known as “**Evergreen No. 191**” under the California Environmental Quality Act of 1970, as amended (“CEQA”); and

WHEREAS, the Director of Planning Building and Code Enforcement has determined that this proposal constitutes a project under CEQA and that the environmental impacts of this proposed project are analyzed under the Final Environmental Impact Report entitled, “San Jose 2020 General Plan Environmental Impact Report” prepared for the San Jose 2020 General Plan, which was certified on August 16, 1994, by the City of San Jose City Council Resolution Number 65459; and

WHEREAS, the County Surveyor of Santa Clara County has found the real property description of the subject property and the map of the subject property (Exhibits “A” and “B,” respectively) to be in accordance with California Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with the County’s Local Agency Formation Commission’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, as the unincorporated territory is uninhabited and all owners of land included in this proposal have consented to this annexation; and

WHEREAS, California Government Code Section 56663(a) provides that if a petition for annexation is signed by all owners of the land within the affected territory the City Council may approve or disapprove the annexation without public hearing; and

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

WHEREAS, it is anticipated that the proposed reorganization will be recommended to be subject to the following terms and conditions: none; and

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 JOSÉ AS FOLLOWS:

That the City Council hereby initiates proceedings for the proposed reorganization of the designated unincorporated territory described herein and sets October 17, 2006 at 1:30 p.m., in the Council Chambers at City Hall, located at 200 East Santa Clara Street, San José, California, as the date, time and place for consideration of such reorganization. This Council is hereby designated as the conducting authority of said proceedings.

ADOPTED this 3rd day of October, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk

Attachment: Exhibits "A" (Property Legal Description) and "B" (Property Map)
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