

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ  
APPROVING A HISTORIC LANDMARK PRESERVATION  
AGREEMENT WITH SUE CUCUZZA FOR THE ASHWORTH-  
REMILLARD HOUSE LOCATED AT 755 STORY ROAD, SAN JOSE**

**MA11-001**

WHEREAS, California Government Code Section 50280, et seq. and Chapter 13.48 of Title 13 of the San José Municipal Code authorize the City of San José to enter into agreements with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance; and

WHEREAS, Sue Cucuzza possesses fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 755 Story Road, San José, California (hereinafter referred to as the “Historic Landmark” or “Landmark Property”); and

WHEREAS, on \_\_\_\_\_, the City Council of the City of San José adopted its Resolution No. \_\_\_\_\_, thereby declaring and designating the Historic Landmark as a historic landmark structure pursuant to the terms and provisions of Chapter 13.48 of the San José Municipal Code; and

WHEREAS, the City of San José and Sue Cucuzza, for their mutual benefit, now desire to enter into an agreement both to protect and preserve the characteristics of historical significance of the Historic Landmark and to qualify the Historic Landmark for an assessment of valuation pursuant to the provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on June 1, 2011 at 6:00 p.m., conduct a public hearing on a Historic Landmark Preservation Agreement for the Historic Landmark and recommend approval of that agreement (hereinafter “Agreement”); and

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WHEREAS, a copy of the Agreement upon which such recommendation was made is on file in the Office of the City Clerk of the City of San José; and

WHEREAS, the Landmark Property upon which the Historic Landmark is situated is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Council did give notice that on June 14, 2011 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said Agreement at which hearing any and all persons interested in said Agreement could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed Agreement; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard to present their views with respect to said proposed Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ THAT:

**SECTION 1.** In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, this Council does hereby approve the Historic Landmark Preservation Agreement with Sue Cucuzza, owner of the Ashworth- Remillard House located at 755 Story Road and makes the following findings:

- a. The Agreement is consistent with the General Plan, in that the proposed Agreement is consistent with General Plan Historic, Archeological and Cultural Resources Policies that state that the City should utilize a variety of techniques and measures to serve as incentives toward fostering the rehabilitation of individual buildings and districts of historic significance; and

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- b. The Agreement would provide greater protection for the Historic Landmark Property than is otherwise provided by the provisions of San José Municipal Code Chapter 13.48 in that the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the Landmark Property in accordance with the preservation plan, Exhibit “C” of the Agreement; and
- c. The Agreement complies with the requirements of Section 13.48.520 of Chapter 13.48 of Title 13 of the San José Municipal Code related to Historical Property Contracts and incorporates the Municipal Code’s required provisions for Historical Property Contracts, including the following: a description of the Landmark Property subject to the Agreement, a provision that the term of the Agreement is a minimum period of ten years, specific conditions requiring preservation of the Landmark Property, provision for the periodic examination of Landmark Property, a requirement that the Landmark Property owner annually expend an amount equal to a minimum of the annual tax savings resulting from the Agreement, and a provision that the Agreement is binding upon – and shall inure to the benefit of – all successors in interest of the owners in the Landmark Property.

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EXHIBIT A  
755 STORY ROAD

The real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of Parcel 1 as shown on that certain Parcel Map recorded in Book 345 of Maps, page 24, Santa Clara County Records, more particularly described as follows:

Beginning at the most easterly corner of said parcel, said corner being a point in the monument line of Story Road as shown on said map; thence leaving said monument line along the general northeasterly line of said parcel, N 39° 53' 39" W., 50.00 feet to a point in a line that is parallel with and 60.00 feet northwesterly, measured at right angles from said monument line, said point being is the proposed northwesterly line of Story Road; thence leaving said general northeasterly line along said parallel and northwesterly line, S. 49° 44' 06" W., 229.13 feet to the True Point of beginning; thence continuing S. 49° 44' 06" W., 200.01 feet; thence leaving said parallel and northwesterly line N: 39° 40' 27" W., 325.77 feet; thence at right angles N. 50° 19' 33" E., 200.00 feet; thence at right angles S. 39° 40' 27" E., 323.71 to the True Point of Beginning.

APN: 472-11-033