

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ ORDERING THE REORGANIZATION OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS DOWNER NO. 11, SUBJECT TO LIABILITY FOR GENERAL INDEBTEDNESS OF THE CITY**

WHEREAS, a petition for the annexation of certain unincorporated territory to the City of San José and a detachment of the same said territory from the Central Fire Protection and Library Service Area No. 01 Special Districts, which territory consists of 21.51 gross acres generally located at the northwest corner of Blossom Hill Road and Southcrest Way, containing a portion of Highway 85 and Assessor Parcel Numbers (APN) 464-22-030, 464-22-035, and 464-22-013, has been filed by the territory owners, California Department of Transportation, Walter Lester, Santa Clara Valley Transportation Authority, and Santa Clara Valley Water District, respectively, and such territory is more specifically identified and described on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the distinctive short form designation of the territory proposed to be reorganized is **Downer No. 11**; and

WHEREAS, the City of San José, by its City Council Resolution No. \_\_\_\_\_ adopted on August 9, 2011 duly initiated reorganization proceedings for the annexation and detachment of this certain uninhabited and unincorporated territory and set the time and place for consideration of such reorganization in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as the same may have been amended to date; and

WHEREAS, the Council of the City of San José was duly designated as the conducting authority for further proceedings to reorganize the territory described herein by said Resolution No. \_\_\_\_\_; and

WHEREAS, said territory is uninhabited and all land owners of land included in the proposal consent to this annexation; and

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

WHEREAS, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation proposal to any city in Santa Clara County of unincorporated territory which is within the urban service area of the city if initiated by resolution of the legislative body, and, therefore the City Council of the City of San José is now the conducting authority for said annexation proceedings; and

WHEREAS, the reason(s) for the proposed reorganization, as set forth in the City's Resolution No. \_\_\_\_\_ initiating such reorganization proceedings is to facilitate subsequent development of 8.4 acres of the site and, more particularly, development for residential uses, and a logical City boundary line; and

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

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

WHEREAS, the City's Resolution No. \_\_\_\_\_ fixed August 23, 2011 at 1:30 p.m., in the Council Chambers of the City of San José, City Hall, 200 East Santa Clara Street, San José, California, as the date, time and place said Council would consider said reorganization; and

WHEREAS, the regular County assessment roll is utilized by the City; and

WHEREAS, land and improvements within the territory shall be liable for the general indebtedness of the City of San José existing at the time of annexation; and

WHEREAS, the environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved, related General Plan Amendment pertinent to this territory (File No. GP10-01-01), the related

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Planned Development Rezoning/Rezoning (File No. PDC10-007), as well as this proposed reorganization; said environmental documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010, which date is prior to taking action on this proposed reorganization; and

WHEREAS, the following facts pertain to the findings required by the Council in accordance with Government Code Section 56757:

1. The unincorporated territory proposed for reorganization is within the City's Urban Service Area, as adopted by the Santa Clara Local Agency Formation Commission.
2. The County Surveyor has determined the boundaries of the proposed to be definite and certain, and in compliance with the Santa Clara County Local Agency Formation Commission's road annexation policies.
3. The proposal does not split lines of assessment or ownership in that all affected parcels are being organized in their entirety.
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services in that the completion of reorganization proceedings would reduce the size of an existing pocket of unincorporated territory.
5. The proposal is consistent with the City's adopted General Plan in that existing and future urban development be located within cities.
6. The territory is contiguous to existing City limits.
7. The City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's Urban Service Area as follows:
  - A. No such conditions imposed.
8. The pre-zoning designation on the 8.4 acres of the subject territory is A(PD) Planned Development zoning designation, as the City Council on December 7, 2010 enacted an ordinance so pre-zoning the subject territory.
9. The zoning on the remaining 13.11 acres of the subject territory will be A - Agricultural District upon its annexation to the City of San Jose in accordance with Section 20.120.310 of the Zoning Ordinance, as the parcel was previously zoned by the County of Santa Clara as "A-Exclusive Agricultural Zoning District".

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10. This proposal includes annexation to the City of San José of 8.4 acres of certain territory that is subject to a Williamson Act Contract, and the City of San Jose intends to succeed to the contract pursuant to Section 51243, 56856.5, & 56889 of the California Government Code.

WHEREAS, evidence pertaining to the proposed reorganization was presented to the City Council at the City Council's public hearings on this matter.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE HEREBY FINDS:**

1. That it is the conducting authority pursuant to Section 56757 of the California Government Code for the annexation of property designated "**Downer No. 11,**" more particularly described in Exhibit "A" and more particularly shown upon that certain map attached hereto as Exhibit "B," both of which exhibits are incorporated herein by this reference;
2. That the following findings are made by the City Council for the City of San José:
  - a. That said territory is uninhabited and comprises approximately 21.51 gross acres.
  - b. That the annexation is consistent with the orderly annexation of territory within the City's urban service area and is consistent with the City policy for annexation when annexed (providing City services).
  - c. That the City Council has completed and determined that the project is covered under the Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007), the documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved and adopted the IS/MND on December 7, 2010.
  - d. That the City Council on December 7, 2010, enacted an ordinance rezoning 8.4 acres of the subject territory with the A(PD) Planned Development zoning designation.
  - e. Upon its annexation to the City of San Jose in accordance with Section 20.120.310 of the Zoning Ordinance, 13.11 acres of the subject territory will be A - Agricultural District.

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- f. That the territory is within the City's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
  - g. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies and the City shall reimburse the County for the actual cost incurred by the County Surveyor in making this determination unless the County has agreed to incur those costs.
  - h. That the proposed annexation does not create islands or areas in which it would be difficult to provide municipal services.
  - i. That the proposed annexation does not split lines of assessment or ownership.
  - j. That the proposed annexation is consistent with the City's General Plan.
  - k. That the territory to be annexed is contiguous to existing City limits.
  - l. That the City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's urban service area.
3. That all affected local agencies that will gain or lose territory as a result of this reorganization have consented in writing to a waiver of protest proceedings.
  4. That all property owners and registered voters have been provided written notice of this proceeding and no opposition has been received.
  5. Those 8.4 acres of certain territory with APN 464-22-030 is subject to a Williamson Act Contract, and the City of San Jose succeeds to the contract pursuant to Section 51243, 56856.5, & 56889 of the California Government Code.
  6. That the City of San Jose will succeed to all rights, duties and powers of the County under the Williamson Act Contract for the Property.
  7. That no services shall be provided by the City of San Jose to the Property for use during the remaining life of the Williamson Act Contract for land uses or activities not allowed under the contract.
  8. As necessary, the City of San Jose shall adopt the rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Government Code sections 51231, 51237, and 51237.5.

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9. That said annexation is hereby ordered without any further protest of these reorganization proceedings pursuant to Section 56663(c/d) and is subject to the following additional terms and conditions: None.

**BE IT FURTHER RESOLVED** that upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness, and that the City Council hereby takes the additional following actions:

1. The City Council hereby orders the territory designated as **Downer No. 11** reorganized and organized to include the following changes of organization: (a) the following districts are detached: Central Fire Protection and Area No. 01 (Library Services) County Services; and (b) the designated territory **Downer No. 11** shall be annexed into the City of San José. The City of San José, as conducting authority, reorganized such territory as indicated above (with or without notice or hearings), it being found and concurred in that the territory involved in the reorganization is uninhabited and all the owners of land within the territory have filed a written petition for the City Council to initiate said reorganization.
2. The City Council hereby succeeds the Williamson Act Contract on the 8.4 acres of certain territory with APN 464-22-030 pursuant to Section 51243, 56856.5, & 56889 of the California Government Code.

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EXHIBIT "A"  
ANNEXATION TO THE CITY OF SAN JOSE  
GEOGRAPHIC DESCRIPTION  
DOWNER No. 11

REAL PROPERTY in the County of Santa Clara, State of California, being all of Parcels 1 & 2 as shown on that certain Record of Survey filed for record on February 5, 1981, in Book 479 of Maps, page 28; all of Parcel CT0315-29 as described in the Final Order of Condemnation recorded April 6, 1989, in Book L026 of Official Records, page 1446; all of that parcel of land described in the Director's Deed recorded May 7, 1974, in Book 885 of Official Records, page 657; and a portion of Highway 85 as shown on that certain Record of Survey filed for record on May 3, 2001, in Book 739 of Maps, pages 32 through 37; all of Santa Clara County Records, lying within the Santa Teresa Rancho Partition, more particularly described as follows:

BEGINNING at an angle point in the general westerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, being on the easterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 9, also being the southwesterly corner of said Parcel 2;

Thence along said easterly City Limits Line, also being the westerly line of said Parcels 1 & 2,  
1. North 03°09'47" East, 1,584.73 feet, to the southerly line of said Parcel CT0315-29;

Thence along the northerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 9 and the northerly City Limits Line of the City of San Jose as established by City's Annexation Alamosos No. 1-B, also being said southerly line of Parcel CT0315-29,

2. South 89°20'50" West, 774.65 feet, to the easterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 8;

Thence along said easterly City Limits Line, also being the westerly line of said Parcel CT0315-29,

3. North 18°06'32" East, 254.49 feet;

Thence along the northerly line of said Parcel CT0315-29, the following two courses:

4. Thence South 85°02'09" East, 210.39 feet;

5. Thence easterly, along a non-tangent curve to the right, having a radius of 3,131.15 feet, whose center bears South 08°12'10" West, through a central angle of 14°33'10" for an arc length of 795.29 feet, to the northwesterly corner of that parcel of land described in said Director's Deed;

Thence along the northerly line of said parcel of land,

6. North 89°20'50" East, 640.73 feet, to the westerly City Limits Line of the City of San Jose as established by City's Annexation Snell No. 9;

Thence along the westerly City Limits Line of the City of San Jose as established by City's Annexations Snell No. 9 and Snell No. 23, also being the easterly line of that parcel of land described in said Director's Deed and it's southerly prolongation,

7. South  $10^{\circ}05'10''$  East, 785.82 feet, to the northeasterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B;

Thence along said northeasterly City Limits Line, also being the southwesterly line of Highway 85, the following three courses:

8. Thence North  $53^{\circ}34'26''$  West, 298.74 feet;
9. Thence North  $58^{\circ}26'34''$  West, 287.51 feet;
10. Thence along a tangent curve to the left, having a radius of 2,874.14 feet, through a central angle of  $07^{\circ}02'11''$  for an arc length of 352.96 feet, to the easterly line of said Parcel 2;

Thence along the westerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, also being the easterly line of said Parcel 2,

11. South  $03^{\circ}09'20''$  West, 1,312.48 feet;

Thence along the northerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, also being the southerly line of said Parcel 2,

12. South  $89^{\circ}31'24''$  West, 275.28 feet, to the POINT OF BEGINNING.

Containing 21.51 acres, more or less.

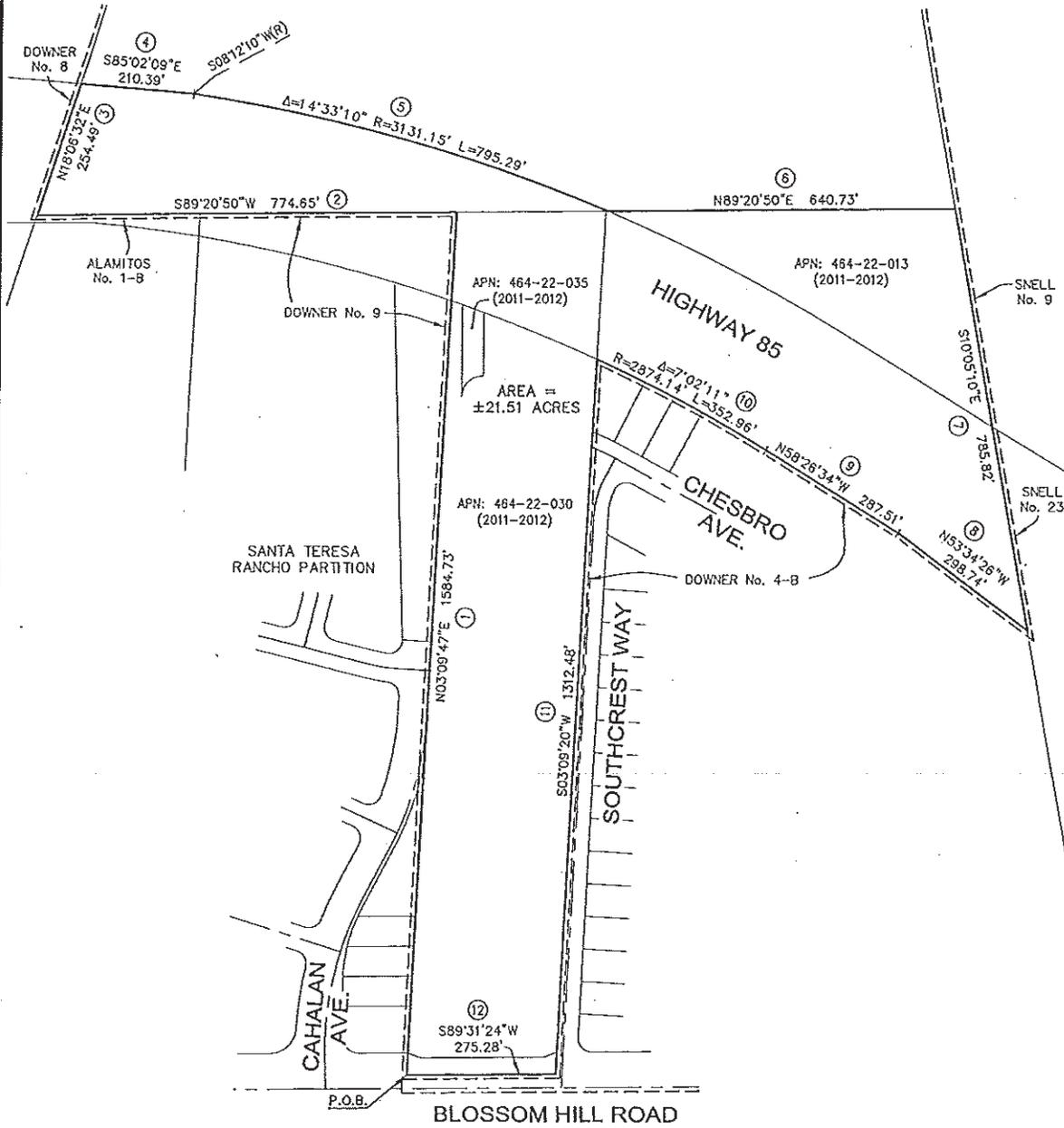
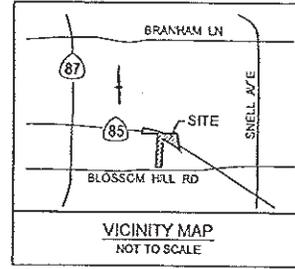
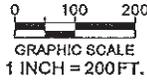
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



LEGEND

- PROPOSED ANNEXATION BOUNDARY LINE
- - - EXISTING SAN JOSE CITY LIMITS LINE

DISCLAIMER:  
 "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



SHEET 1 OF 1

Date: 07-14-11  
 Scale: 1" = 200'  
 Designed: —  
 Drawn: TG  
 Checked: SD  
 Proj. Eng: —  
 35261CLO2

1570 Oakland Road (408) 487-2200  
 San Jose, CA 95131 HVMca.com

EXHIBIT "B"  
 ANNEXATION TO THE CITY OF SAN JOSE  
 DOWNER No. 11  
 SANTA CLARA COUNTY CALIFORNIA