



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28717**", the original copy of which is attached hereto, was passed for publication of title on the **15th day of September, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **29th day of September, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **October 30, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30th day of September, 2009**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28717

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED SOUTH OF SAMARITAN DRIVE, WEST OF UNION AVENUE, NORTH OF CARLTON AVENUE, BOTH SIDES OF DICKENS AVENUE, COOPER AVENUE, CHARLOTTE AVENUE, AND CLYDELLE AVENUE SOUTH OF CARLTON AVENUE, AND WINTON WAY SOUTH OF CARLTON AVENUE FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject prezoning from unincorporated County to R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such proposed project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single-Family Residence Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C09-026 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 15th day of September, 2009 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: PARKER NO. 27

R-1-8 Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being:

- all of Blocks 1-6, Brewster Avenue, Charlotte Avenue, Cooper Avenue, Dickens Avenue, and Ester Drive, and a portion of Carlton Avenue as shown on the Map of Tract No. 520 "Carlton Park Unit No. 1" recorded on June 28, 1948 in Book 18 of Maps at Pages 46-47, Santa Clara County Records
- all of Lots 5-9 and a portion of Lots 1-3 as shown on the Map of Tract No. 615 "Mirassou Park" recorded on March 29, 1949 in Book 22 of Maps at Page 32
- all of Lots 31-50 and a portion of Carlton Avenue as shown on the Map of Tract No. 713 "Mirassou Park Unit No. 3" recorded on March 30, 1950 in Book 26 of Maps at Page 53, Santa Clara County Records
- all of the property shown on the Map of Tract No. 902 recorded on September 12, 1951 in Book 34 of Maps at Page 25, Santa Clara County Records
- all of the property shown on the Map of Tract No. 1084 recorded on February 3, 1953 in Book 41 of Maps at Page 36, Santa Clara County Records
- all of Lots 1-28, Bel Escou Drive, Nadine Court, Roline Court, and Yvonne Court, and a portion of Carlton Avenue as shown on the Map of Tract No. 1161 "Marassou Park Addition" recorded on May 26, 1953 in Book 42 of Maps at Page 55, Santa Clara County Records
- all of the property shown on the Map of Tract No. 1236 recorded on December 15, 1953 in Book 46 of Maps at Page 39, Santa Clara County Records
- all of the property shown on the Map of Tract No. 1237 recorded on December 30, 1953 in Book 46 of Maps at Page 45, Santa Clara County Records
- a portion of Wilma Way as shown on the Map of Tract No. 1338 recorded on July 27, 1954 in Book 51 of Maps at Page 4, Santa Clara County Records

EXHIBIT ' ___ '

said property being bounded by the City Limits Line of the City of San Jose as established by City Annexations Parker No. 17, Parker No. 19, Parker No. 24, Glendale No. 1, Carlton No. 1, Carlton No. 2, said property being more particularly described as follows:

Beginning at the northwesterly corner of Lot 1, Block 6 as shown on said Tract No. 520, said point being on the southerly line of Samaritan Drive (formerly Branham Lane) as shown on said Tract No. 520, said point also being an angle-point on the general northerly line of said Glendale No. 1; thence along the westerly line of said Tract No. 520 and said general northerly line of Glendale No. 1, S 00°15'00" E 829.99 feet to its intersection with the centerline of Carlton Avenue as shown on said Tract No. 520, said point also being the southeast corner of said Carlton No. 2; thence along said centerline of Carlton Avenue and the southerly line of said Carlton No. 2, S 89°45'00" W 620.00 feet to the southwest corner of said Carlton No. 2, said point being on said general northerly line of Glendale No. 1, said point also being the intersection of the northerly projection of the westerly line of said Tract No. 1237 with said centerline of Carlton Avenue; thence along said westerly line of said Tract No. 1237 and its projection, and along said general northerly line of Glendale No. 1, S 00°15'00" E 768.00 feet to the southerly line of Wilma Way as shown on said Tract No. 1338; thence along said southerly line of Wilma Way, continuing along said general northerly line of Glendale No. 1, N 89°45'00" E 30.00 feet to the northwesterly corner of Lot 15 as shown on said Tract No. 1237; thence along the westerly line of said Lot 15, continuing along said general northerly line of Glendale No. 1, S 00°15'00" E 122.94 feet to the southwest corner of said Tract No. 1237; thence along the southerly line of said Tract No. 1237, the southerly line of said Tract No. 902, the southerly line of said Tract No. 1084, the southerly line of said Tract No. 1236, and said general northerly line of Glendale No. 1, N 89°45'40" E 1521.50 feet to the southeasterly corner of said Tract No. 1236; thence along the easterly line of said Tract No. 1236, continuing along said general northerly line of Glendale No. 1 and along the westerly line of said Carlton No. 1, N 00°15'00" W 891.23 feet to the centerline of Carlton Avenue as shown on said Tract No. 1236, said

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point also being the northwesterly corner of said Carlton No. 1; thence along said centerline of Carlton Avenue and the northerly line of said Carlton No. 1, N 89°45'00" E 1198.02 feet to the southwest corner of said Parker No. 19; thence along the general northerly line of said Parker No. 19 the following courses:

- N 00°15'00" W 30.00 feet to the northerly line of Carlton Avenue as shown on said Tract No. 1161, said point also being the beginning of a non-tangent curve to the left, concave northwesterly, having a radius of 20.00 feet, a radial line to said point bears S 00°15'00" E;
- along said curve, through a central angle of 90°00'00", for an arc length of 31.42 feet to a point on westerly line of Bel Escou Drive as shown on said Tract No. 1161;
- N 89°45'00" E 60.00 feet to a point on the easterly line of said Bel Escou Drive, said point also being the beginning of a non-tangent curve to the left, concave northeasterly, having a radius of 20.00 feet, a radial line to said point bears S 89°45'00" W;
- along said curve, through a central angle of 90°00'00", for an arc length of 31.42 feet to a point on said northerly line of Carlton Avenue;
- along said northerly line of Carlton Avenue, N 89°45'00" E 80.50 feet to the southeasterly corner of Lot 28 as shown on said Tract No. 1161;
- along the easterly line of said Lot 28, N 00°15'00" W 79.00 feet to the southwest corner of Lot 9 as shown on said Tract No. 615;
- along the southerly line of said Lot 9, N 89°45'00" E 186.03 feet to the southeasterly corner of said Lot 9, said point being the northeasterly corner of said Parker No. 19 and on the general westerly line of said Parker No. 17, said point also being on the westerly line of Union Avenue as shown on said Tract No. 615; thence along said westerly line of Union Avenue and said general westerly line of Parker No. 17, N 00°19'40" W 400.00 feet to the northeasterly corner of Lot 5 as shown on said Tract No. 615, said point being the southeasterly corner of said Parker No. 24; thence along the northerly line of said Lot 5 and along the southerly line of said Parker No. 24,

S 89°45'00" W 185.49 feet to the northwesterly corner of said Lot 5; thence along the westerly line of Lot 4 as shown on said Tract No. 615 and along the general westerly line of said Parker No. 24 the following courses:

- N 00°15'00" W 80.00 feet to the southwesterly corner of Lot 3 as shown on said Tract No. 615;
- along the southerly line of said Lot 3, N 89°45'00" E 181.00 feet to the southeasterly corner of that property described in the Quitclaim Deed recorded as Document No. 18920038 recorded on May 5, 2006, Official Records of Santa Clara County;
- along the easterly line of said Document No. 18920038 and its northerly projection, N 03°27'41" W 160.25 feet to the southeasterly corner of that property described in the Grant Deed recorded as Document No. 18489545 recorded on July 25, 2005, Official Records of Santa Clara County, said point being the beginning of a non-tangent curve to the left, concave southwesterly, having a radius of 30.00 feet, a radial line to said point bears N 56°18'24" E;
- along the northeasterly line of said Document No. 18489545 and along said curve, through a central angle of 33°20'56", for an arc length of 17.46 feet;
- along said northeasterly line of said Document No. 18489545, N 67°02'32" W 172.71 feet to the northeasterly corner of Lot 19 as shown on said Tract No. 1161, said point being on the southerly line of said Samaritan Drive (formerly Branham Lane) as shown on said Tract No. 1161, said point also being on the general southerly line of said Parker No. 17; thence along said general southerly line of Samaritan Drive and said general southerly line of Parker No. 17 the following courses:
 - S 89°47'45" W 80.48 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
 - along said curve, through a central angle of 90°02'45", for an arc distance of 31.43 feet to a point on the easterly line of Bel Escou Drive as shown on said Tract No. 713;
 - S 89°45'00" W 60.00 feet to the westerly line of said Bel Escou Drive;

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- along said westerly line of Bel Escou Drive, N 00°15'00" W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 89°57'15", for an arc distance of 31.40 feet;
- S 89°47'45" W 339.50 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 90°02'45", for an arc distance of 31.43 feet to a point on the easterly line of Bel Estos Drive as shown on said Tract No. 713;
- S 89°45'00" W 60.00 feet to the westerly line of said Bel Estos Drive;
- along said westerly line of Bel Estos Drive, N 00°15'00" W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 89°57'15", for an arc distance of 31.40 feet;
- S 89°47'45" W 245.01 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 90°02'45", for an arc distance of 31.43 feet to a point on the easterly line of Esther Drive as shown on said Tract No. 520;
- S 89°45'00" W 60.00 feet to the westerly line of said Esther Drive;
- along said westerly line of Esther Drive, N 00°15'00" W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 89°57'15", for an arc distance of 31.40 feet;
- S 89°47'45" W 210.00 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;

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- along said curve, through a central angle of $90^{\circ}02'45''$, for an arc distance of 31.43 feet to a point on the easterly line of Brewster Avenue as shown on said Tract No. 520;
- S $89^{\circ}45'00''$ W 60.00 feet to the westerly line of said Brewster Avenue;
- along said westerly line of Brewster Avenue, N $00^{\circ}15'00''$ W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $89^{\circ}57'15''$, for an arc distance of 31.40 feet;
- S $89^{\circ}47'45''$ W 210.00 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $90^{\circ}02'45''$, for an arc distance of 31.43 feet to a point on the easterly line of Dickens Avenue as shown on said Tract No. 520;
- S $89^{\circ}45'00''$ W 60.00 feet to the westerly line of said Dickens Avenue;
- along said westerly line of Dickens Avenue, N $00^{\circ}15'00''$ W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $89^{\circ}57'15''$, for an arc distance of 31.40 feet;
- S $89^{\circ}47'45''$ W 210.00 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $90^{\circ}02'45''$, for an arc distance of 31.43 feet to a point on the easterly line of Cooper Avenue as shown on said Tract No. 520;
- S $89^{\circ}45'00''$ W 60.00 feet to the westerly line of said Cooper Avenue;
- along said westerly line of Cooper Avenue, N $00^{\circ}15'00''$ W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $89^{\circ}57'15''$, for an arc distance of 31.40 feet;

- S 89°47'45" W 210.00 feet to the beginning of a tangent curve to the left, concave southeasterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 90°02'45", for an arc distance of 31.43 feet to a point on the easterly line of Charlotte Avenue as shown on said Tract No. 520;
- S 89°45'00" W 60.00 feet to the westerly line of said Charlotte Avenue;
- along said westerly line of Charlotte Avenue, N 00°15'00" W 0.08 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 89°57'15", for an arc distance of 31.40 feet;
- S 89°47'45" W 105.02 feet to the Point of Beginning

The described property contains approximately 77.76 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

The above description of real property was prepared by me in conformance with the requirements of Section 8726(g,k,l,m) of the Business and Professions Code of the State of California.



Patricia A. Cannon 8/19/09
Patricia A. Cannon, PLS 8186