

RESOLUTION NO. 73753

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 WINCHESTER NO. 40 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 of the annexation of certain territory to the City of San José and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation District, County Lighting County Services and Area No. 01 (Library Services) County Services; 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 unincorporated territory is known by the short form designation of **Winchester No. 40** 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 subject real property, comprising 0.42 ± acre on the on the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue, San Jose (APN(s) 303-39-015) 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, West Valley Sanitation District, County Lighting County Services and Area No. 01 (Library Services) County Service; and

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

WHEREAS, this unincorporated territory was pre-zoned on April 3, 2007 to the City of San José, prezone designation of R-1-8 Single Family Residence Zoning District; and

WHEREAS, the City of San José, as Lead Agency for environmental review for the reorganization known as **Winchester No. 40** 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 José through adoption of that certain City Council Resolution Number 65459; and

WHEREAS, the County Surveyor of Santa Clara County has found the legal description and the map of the subject territory (Exhibits “A” and “B,” respectively) to be in accordance with the 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, as the territory is uninhabited and all owners of land included in proposal have consented to this annexation; and

WHEREAS, 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 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 JOSE:

That the City Council hereby initiates proceedings for the proposed reorganization of the designated unincorporated territory described herein and sets May 22, 2007 at 1:30 p.m., in the Council Chambers, City Hall, 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 8th day of May, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk