

## RESOLUTION NO. 73784

### 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 MONTEREY PARK NO. 109 DESCRIBED HEREIN AND SETTING THE DATE AND PLACE FOR CONSIDERATION OF SUCH REORGANIZATION PROPOSAL

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 County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3 Districts; 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 territory is known by the short form designation of “**Monterey Park No. 109**,” 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 property, 4.43 ± acres on the northwesterly corner of Curtner Avenue and Stone Avenue, San Jose (APN's 455-07-012 and 455-07-013) 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: County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3; and

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

WHEREAS, this territory was pre-zoned on December 5, 2006 to the City of San José prezone designation of HI – Heavy Industrial Zoning District; and

WHEREAS, the City of San José is the Lead Agency for environmental review for the reorganization known as “Monterey Park No. 109” under the California Environmental Quality Act of 1970, as amended (“CEQA”); and

WHEREAS, the environmental impacts of this project were addressed under the San Jose 2020 General Plan Environmental Impact Report, Resolution No. 65459, which became final on August 16, 1994, and this Council has considered and approved said Environmental Impact Report and Resolution No. 65459 prior to taking any approval actions on this project; 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 California 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, 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 desired to provide that the proposed reorganization be subject to the following terms and conditions: none; and

WHEREAS, the reasons for the proposed reorganization are as follows: to facilitate subsequent development and to eliminate a County pocket of unincorporated territory.

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

Hereby initiates proceedings for the proposed reorganization of the designated territory and sets June 19, 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 5<sup>th</sup> day of June, 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

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

Attachment: Exhibits "A" and "B"