

RESOLUTION NO. 74207

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
MAKING APPLICATION TO THE LOCAL AGENCY FORMATION
COMMISSION PURSUANT TO THE CORTESE-KNOX-HERTZBERG
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000 TO
INITIATE REORGANIZATION PROCEEDINGS FOR ANNEXATION
AND DETACHMENT OF CERTAIN UNINHABITED TERRITORY
DESIGNATED AS RIVERSIDE NO. 52**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes the legislative body of a city to adopt a resolution of application to the Local Agency Formation Commission (LAFCO) for the annexation of certain territory to the city; and

WHEREAS, the City of San Jose desires LAFCO to initiate, proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for the annexation of certain territory, designated **Riverside No. 52** to the City of San Jose and the detachment of the same from the Central Fire Protection District and the Library Service Area of the County of Santa Clara; and

WHEREAS, the territory proposed to be annexed and detached is uninhabited territory comprising approximately fifteen (15) acres within City of San Jose's Sphere of Influence, and a description of the boundaries of this territory is set forth in Exhibit A to this Resolution, which Exhibit is attached hereto and incorporated herein by this reference; and

WHEREAS, this annexation and detachment proposal is consistent with the Sphere of Influence of the City of San Jose; and

WHEREAS, the City desires that the proposed annexation and detachment be subject to the following terms and conditions: None; and

WHEREAS, the reason for the proposed annexation and detachment is as follows: A portion of the subject site is located within the City of San Jose's Urban Growth Boundary (UGB) and Urban Service Area (USA) boundary; there is an approved Planned Development District rezoning the site that, once annexed, would allow forty-one (41) single-family homes within the USA, and the remaining portion of the property outside the USA would remain as permanent open space; and

WHEREAS, the City of San Jose, as lead agency under the provisions of the California Environmental Quality Act of 1970, together with the guidelines promulgated pursuant thereto and Title 21 of the San Jose Municipal Code (collectively "CEQA") has analyzed the environmental impacts of the proposed annexation and detachment and has prepared and approved a Mitigated Negative Declaration (MND) for the project dated April 25, 2007, and

an Addendum thereto dated December 11, 2007, which approvals have not been protested nor appealed; and

WHEREAS, the City Council of the City of San José has considered said environmental analyses under CEQA prior to taking any approval actions related to this Resolution.

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

1. This proposal and application to LAFCO to initiate annexation and detachment proceedings in connection with **Riverside No. 52** are made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Such proposal consists of a request to annex certain territory to the City of San Jose and to detach the same territory from the Central Fire Protection District and the Library Service Area of the County of Santa Clara as follows:
 - (a) **Riverside No. 52** – Approximately fifteen (15) acres of certain real property located at the southeast corner of Piercy Road and Tennant Avenue, said property also being established by said projects GP05-02-04 and C07-030, all as more particularly described on Exhibit A to this Resolution, attached hereto and incorporated herein.
3. Such real property described as **Riverside No. 52** is more particularly shown upon that certain map reflecting the geographic location of said real property, which map is attached hereto as Exhibit B and incorporated herein by this reference.
4. The proposed annexation will be consistent with the Sphere of Influence for the City of San Jose.

5. The environmental impacts of this proposal have been reviewed, analyzed, and disclosed in that certain MND and Addendum thereto described hereinabove in this Resolution.

6. The Council hereby requests that LAFCO initiate and undertake proceedings pursuant to and in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for the annexation of the territory described herein as **Riverside No. 52** to the City of San Jose and the detachment of the same from the Central Fire Protection District and the Library Service Area of the County of Santa Clara.

ADOPTED this 8th day of January, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk