

RESOLUTION NO. 74345

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 MCKEE NO. 134 AND DESCRIBED HEREIN, AND GIVING NOTICE OF HEARING ON THE PROPOSED REORGANIZATION AND WRITTEN PROTESTS

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 Central Fire Protection, Area No. 01 (Library Services) County Service, County Lighting County Service, and County Sanitation District 2-3 Service 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 **McKee No. 134** 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, 1.33 ± acre on the east side of North White Road, approximately 100 feet southerly of Kentridge Drive (APNs 599-01-091 and 599-01-092) 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; Central Fire Protection, Area No. 01 (Library Services) County Service, County Lighting County Service, and County Sanitation District 2-3 and

WHEREAS, annexation would be provided for the use of City Services; and

WHEREAS, a certain portion of this territory comprising approximately 0.98 acres (APN 599-01-091) was rezoned on December 4, 2007 to the City of San José rezoned designation of A(PD) Planned Development Zoning and on April 22, 2008 the remaining portion of this territory comprising approximately 0.31 acres (APN 599-01-092) was rezoned to the City of San José rezoned designation of R-1-8 Single Family Residence District; and

WHEREAS, the City of San José, is Lead Agency for Environmental Review for the reorganization; and

WHEREAS, a Negative Declaration was prepared for a residential project on that certain portion of the subject territory comprising approximately 0.98 acres (APN 599-01-091) under File No. PDC07-041, said Negative Declaration became final on November 14, 2007, and this Council has considered and approved said Negative Declaration prior to taking any approval actions on this reorganization; and

WHEREAS, the environmental impacts of a project on the approximately 0.31 acres remaining of the subject territory (APN 599-01-092) were addressed under that certain "San José 2020 General Plan" Environmental Impact Report, and Resolution No. 65459, which resolution became final on August 16, 1994, and this Council has considered and approved said Environmental Impact Report prior to taking any approval actions on this reorganization; and

WHEREAS, the County Surveyor of Santa Clara County has found the description and map (Exhibits "A" and "B," respectively) to be in accordance with 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, the territory is uninhabited and all owners of land included in the proposal have not contested to this annexation; 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 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 and gives notice that a hearing will be held on such reorganization on June 3, 2008, at 7:00 p.m. in the Council Chambers, City Hall, 200 East Santa Clara Street, San José, California. This Council is hereby designated as the conducting authority for said proceedings. By reason that the territory proposed to be reorganized is uninhabited, any owner of land within the territory may file a written protest against the reorganization with the City Clerk of the City of San José at any time prior to the conclusion of the hearing provided; however, that all signatures without a date or bearing a date prior to the publication of the notice shall be disregarded for the purposes of ascertaining the value of any written protest. The Clerk of the City of San

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José is hereby directed to cause a notice of hearing on the proposed reorganization to be given as prescribed or required by law.

ADOPTED this 6TH day of MAY, 2008, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

Attachment: Exhibits "A" and "B"