

RESOLUTION NO. 75199

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE PURDY HOUSE LOCATED AT 438 NORTH SECOND STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE

HL09-189

WHEREAS, Chapter 13.48 of Title 13 of the San José Municipal Code provides for the designation of structures and/or sites of special historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature as historic landmarks by the City Council of the City of San José; and

WHEREAS, said Chapter 13.48 of Title 13 provides that any historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested; and

WHEREAS, the City Council adopted Resolution No. 75152 on October 27, 2009, initiating proceedings pursuant to said Chapter 13.48 of Title 13 for consideration of such historic landmark designation for the Purdy House located at 438 North Second Street; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any building as a landmark, it shall hold at least one public hearing on such proposed designation, and that before it holds said public hearing, the Council shall refer said proposed historic landmark designation to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation thereon; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 4, 2009 at 6:00 p.m., conduct a public hearing on said landmark designation and recommend approval of the

designation of the Purdy House, located at 438 North Second Street, described hereinafter in Section 1 of this Resolution, as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San José Historic Landmark Nomination Form No. HL09-189 upon which such recommendation was made is on file in the Planning Division of the City of San José and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the City Council gave notice that on December 1, 2009 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said landmark designation, at which hearing any and all persons interested in said proposed designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation; and

WHEREAS, the subject property is all that real property located within the City of San José at 438 North Second Street and described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard and present their views with respect to said proposed historic landmark designation.

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

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Historic Preservation Ordinance, this Council does hereby designate the hereinafter described Purdy House, located at 438 North Second Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

SECTION 2. Said designation is based on the following criteria of the Historic Preservation Ordinance:

- *Criterion (1), Its character, interest or value as part of the local, regional, state or national history, heritage or culture for its contribution to the patterns of development of the Hensley City Landmark Historic District; and Criterion (6), as an embodiment of distinguishing characteristics of an architectural type or specimen from its distinguished architecture due to its style and design.*

SECTION 3. The City Clerk is hereby directed to notify those persons designated in San José Municipal Code Section 13.48.110, Subsection L, in the manner specified by said Section and to direct the recordation of a Notice of Granting of this resolution in the Office of the Recorder of the County of Santa Clara.

ADOPTED of title this 8th day of December, 2009, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
THE PURDY HOUSE
438 N. SECOND STREET
HL09-189

The land referred to is situated in the State of California, County of Santa Clara, City of San Jose, and is described as follows:

Portion of Block 5, in Whites' Addition, as shown upon that certain Map entitled, "City of San Jose, copied from the original Map drawn by Sherman Day, Civil Engineer", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in Book A of Maps, at Pages 72 and 73 and more particularly described as follows:

Beginning at the point on the Northeasterly line of Second Street distant thereon Southeasterly 45.85 feet from the intersection thereof with the Southeasterly line of Hensley Avenue; thence from said Point of Beginning, Southeasterly along said Northeasterly line of 43.65 feet to the Northwesterly corner of the parcel of land conveyed by William Iarmer, a widower, to Central California Conference Association of the Seventh-Day Adventists, a corporation, by Deed dated December 24, 1942 and recorded December 24, 1942 in Book 1126 of Official Records, Page 40, records of Santa Clara County, California; thence Northeasterly along the Northwesterly line thereof, 115 feet; thence at a right angle Northwesterly parallel with the said Northeasterly line of Second Street, 43.65 feet; thence at a right angle Southwesterly, parallel with the said Southeasterly line of said Hensley Avenue, 115 feet to the Point of Beginning.

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