

**RESOLUTION NO. 75659**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ  
MAKING DETERMINATIONS AND ORDERING THE REORGANIZATION  
OF CERTAIN INHABITED, UNINCORPORATED ISLAND TERRITORY  
DESIGNATED AS CAMBRIAN NO. 36, SUBJECT TO LIABILITY FOR  
GENERAL INDEBTEDNESS OF THE CITY AND DIRECTION BY CITY  
COUNCIL**

WHEREAS, the City Council desires to consider the annexation of certain unincorporated territory to the City of San José and the detachment of the same from the Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service Districts; which territory consists of approximately 103 ± acres generally bounded by Central Park Drive to the north, State Highway 17 to the west, Camden Avenue to the south and Union Avenue to the east, located in the City of San Jose (which territory is more specifically identified in Exhibit "A" attached hereto and incorporated herein by this reference); and

WHEREAS, the distinctive short form designation of the territory proposed to be reorganized is **Cambrian No. 36** and

WHEREAS, the City of San José, by its City Resolution No. 75614 adopted on October 26, 2010 duly initiated reorganization proceedings for the annexation and detachment of this certain inhabited and unincorporated territory and set the time and place for consideration of such reorganization in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as the same may be amended from time to time; and

WHEREAS, the Council of the City of San José was duly designated as the conducting authority for further proceedings to reorganize the territory described herein by said Resolution No. 75614; and

WHEREAS, said territory is inhabited and not all land owner(s) of land included in the proposal consent to this annexation; and

WHEREAS, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation proposal to any City in Santa Clara County of unincorporated territory which is within the urban service area of the City if initiated by resolution of the legislative body, and, therefore, the City

Council of the City of San José is now the conducting authority for said annexation insofar that the City initiated these reorganization proceedings under and pursuant to its Resolution No. 75614; and

WHEREAS, the reason(s) for the proposed reorganization, as set forth in the City's Resolution No.75614 initiating reorganization proceedings is to reduce or eliminate an unincorporated island of County territory located within the limits of City jurisdiction that is surrounded by or substantially surrounded by City territory and to facilitate subsequent development of the territory with residential and commercial uses; and

WHEREAS, the following special districts would be affected by the proposed annexation: the Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service Districts; and

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

WHEREAS, the City's Resolution No. 75614 fixed December 7, 2010 at 7:00 p.m., in the Council Chambers of the City of San José, City Hall, 200 East Santa Street, San José, California, as the date, time and place said Council would consider said reorganization; and

WHEREAS, the regular County assessment roll is utilized by the City; and

WHEREAS, land and improvements within the territory shall be liable for the general indebtedness of the City of San José existing at the time of annexation; and

WHEREAS, the environmental impacts of this reorganization project were described under the San Jose 2020 Environmental Impact Report, Resolution No. 65459, which became final on August 16, 1994, and this City Council has considered and approves said Environmental Impact Report and adopted Resolution No. 65459, prior to taking any approval actions on this proposed reorganization; and

WHEREAS, the following facts contained and set forth more fully in the administrative record of proceedings pertinent to this Resolution, which record is incorporated herein by this reference, pertain to the findings required by the Council in accordance with Government Code Section 56757:

1. The unincorporated territory proposed for reorganization is within the City's Urban Service Area, as adopted by the Santa Clara Local Agency Formation Commission.
2. The County Surveyor has determined the boundaries of the proposed to be definite and certain, and in compliance with the Santa Clara County Local Agency Formation Commission's road annexation policies.
3. The proposal does not split lines of assessment or ownership in that all affected parcels are being organized in their entirety.
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services in that the completion of reorganization proceedings would result in the reduction of a County "pocket" of unincorporated territory.
5. The proposal is consistent with the City's adopted General Plan in that existing and future urban development should be located within cities.
6. The territory is contiguous to existing City limits.
7. The City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's Urban Service Area as follows:
  - A. No such conditions imposed.
8. The pre-zoning designation on the subject territory is R-1-5 Single-Family Residence Zoning District (as to a certain 94.5 acres) and CN-Commercial Neighborhood Zoning District (as to a certain 8.5 acres); and inasmuch as the City Council on October 26, 2010 enacted Ordinance No. 28842 so pre-zoning the subject territory.

WHEREAS, the following facts contained and set forth more fully in the administrative record of proceedings pertinent to this Resolution, which record is incorporated herein by this reference, pertain to the findings required by the Council in accordance with Government Code Section 56375.3:

1. The size of the subject unincorporated County territory in its entirety is less than one hundred fifty (150) acres; and
2. The unincorporated County territory constitutes an unincorporated island of County territory that is surrounded by or substantially surrounded by City territory on all sides; and

3. The unincorporated County territory is not a gated community where urban services are provided by a community service district; and
4. The unincorporated County territory is considered developed in that residential and commercial development is located on the subject properties and there are existing public improvements including streets and sewers in the area; and
5. The unincorporated County territory is not prime agricultural land under the provisions of California Government Code Section 56064; and
6. The unincorporated County territory currently is receiving or will receive the following benefits from the City, to wit: residents of the unincorporated County territory currently utilize the incorporated portions of streets, such as Curtner Avenue, Bascom Avenue, and Union Avenue, to access their property and also utilize City Libraries and Parks and will benefit from City services including Sanitary and Storm sewer services, street lighting, Police, Code Enforcement, Waste Collection, and other City municipal services; and

WHEREAS, evidence pertaining to the proposed reorganization was presented to the City Council at the City Council's public hearings on this matter.

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

1. That it is the conducting authority pursuant to Section 56757 of the Government Code for the annexation of property designated "**Cambrian No. 36,**" more particularly shown upon that certain map attached hereto as Exhibit "A," which exhibit is incorporated herein by this reference;
2. That the following findings are made by the City Council for the City of San José based upon all of the facts, testimony and other evidence presented to the City Council in connection with this matter:
  - a. That said territory is inhabited and comprises approximately 103 ± acres.
  - b. That the annexation is consistent with the orderly annexation of territory within the City's urban service area and is consistent with the City policy for annexation when annexed (providing City Services).
  - c. That the City Council has considered and adopted a Final EIR entitled, "San Jose 2020 General Plan," and related Resolution No. 65459, which addressed the environmental impacts of the project and became final on August 16, 1994. This proposal is in compliance with the California Environmental Quality Act in that the adopted EIR and related Resolution No 65459 considers the environmental impacts of the proposed change in organization.

- d. That the City Council on October 26, 2010, enacted an ordinance pre-zoning the subject territory with the following zoning designation: R-1-5 Single-Family Residence Zoning District as to approximately 94.5 gross acres, and CN- Commercial Neighborhood Zoning District as to approximately 8.5 gross acres, all as more particularly described in City Ordinance No. 28842.
  - e. That the territory is within the City's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
  - f. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies; and pursuant to agreement the County has agreed to incur the costs of making this determination.
  - g. That the proposed annexation does not create islands or areas in which it would be difficult to provide municipal services. This reorganization reduces or eliminates an unincorporated county "pocket" and is adjacent to and surrounded or substantially surrounded by City territory on all sides.
  - h. That the proposed annexation does not split lines of assessment or ownership.
  - i. That the proposed annexation is consistent with the City's General Plan.
  - j. That the territory to be annexed is contiguous to existing City limits.
  - k. That the City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's urban service area.
3. That the following additional findings are hereby made by the City Council for the City of San José based upon all of the facts, testimony and other evidence presented to the City Council in connection with this matter:
- a. The size of the subject unincorporated County territory in its entirety is less than one hundred fifty (150) acres; and
  - b. The unincorporated County territory constitutes an unincorporated island of County territory that is surrounded by or substantially surrounded by city territory (cities of San Jose and Campbell) on all sides; and
  - c. The unincorporated County territory is not a gated community where urban services are provided by a community service district; and
  - d. The unincorporated County territory is considered developed in that residential and commercial development is located on the subject properties and there are existing public improvements including streets and sewers in

the area; and

- e. The unincorporated County territory is not prime agricultural land under the provisions of California Government Code Section 56064; and
  - f. The unincorporated County territory currently is receiving or will receive the following benefits from the City, to wit: Residents of the unincorporated County territory currently utilize the incorporated portions of streets, such as Curtner Avenue, Bascom Avenue, and Union Avenue, to access their property and Libraries, and Parks and will benefit from City services including Sanitary and Storm sewer services, street lighting, Police, Code Enforcement, Waste Collection, and all other City municipal services; and
4. That all property owners and registered voters have been provided written notice of this proceeding.
  5. That said annexation is hereby ordered without any further protest of these reorganization proceedings pursuant to Sections 56757 and 56375.3 of the California Government Code and is subject to the following additional terms and conditions: None.

**BE IT FURTHER RESOLVED** that upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness, and that the City Council hereby takes the additional following actions:

1. The City Council hereby orders the territory designated as **Cambrian No. 36** reorganized and organized to include the following changes of organization: (a) the following districts are detached: the Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service; and (b) the designated territory **Cambrian No. 36** shall be annexed into the City of San José. The City of San José, as conducting authority, reorganized such territory as indicated above (with or without notice or hearings but as required), it being found and concurred in that the territory involved in the reorganization is inhabited and not all the owners of land within the territory have filed a written petition for the City Council to initiate said reorganization.
2. The City Council further hereby describes the exterior boundaries of the territory reorganized as all that real property in the County of Santa Clara, State of California, shown upon that certain map attached hereto as Exhibit "A" and incorporated herein by this reference.

3. The City Council hereby directs the Administration to refrain for a period of six (6) months from proceeding to complete this change in organization with the filing of a certificate of completion in order to allow time for the City of Campbell to informally study, in review and consultation with City, a possible reorganization of some or all of the affected territory of **Cambrian No. 36** in a manner that would be revenue neutral or beneficial to the City of San Jose and to bring back any appropriate future actions on this matter to the City Council after that six month period has transpired.

**ADOPTED** this 7<sup>th</sup> day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



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LEE PRICE, MMC  
City Clerk

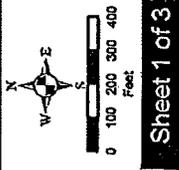
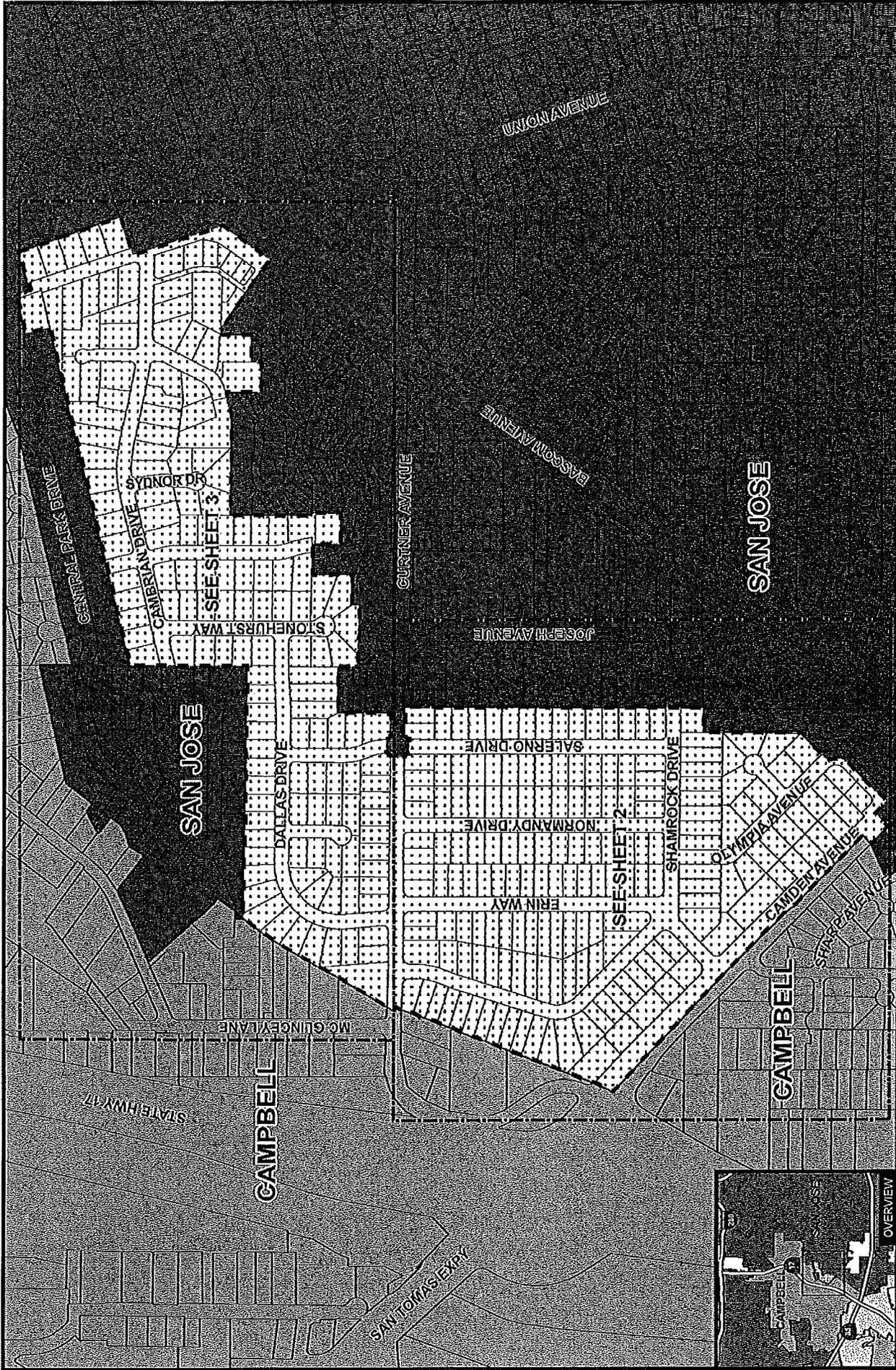


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CHUCK REED  
Mayor

Attachment: Exhibit "A"

Island Ord.Res  
jf

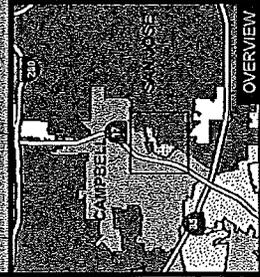


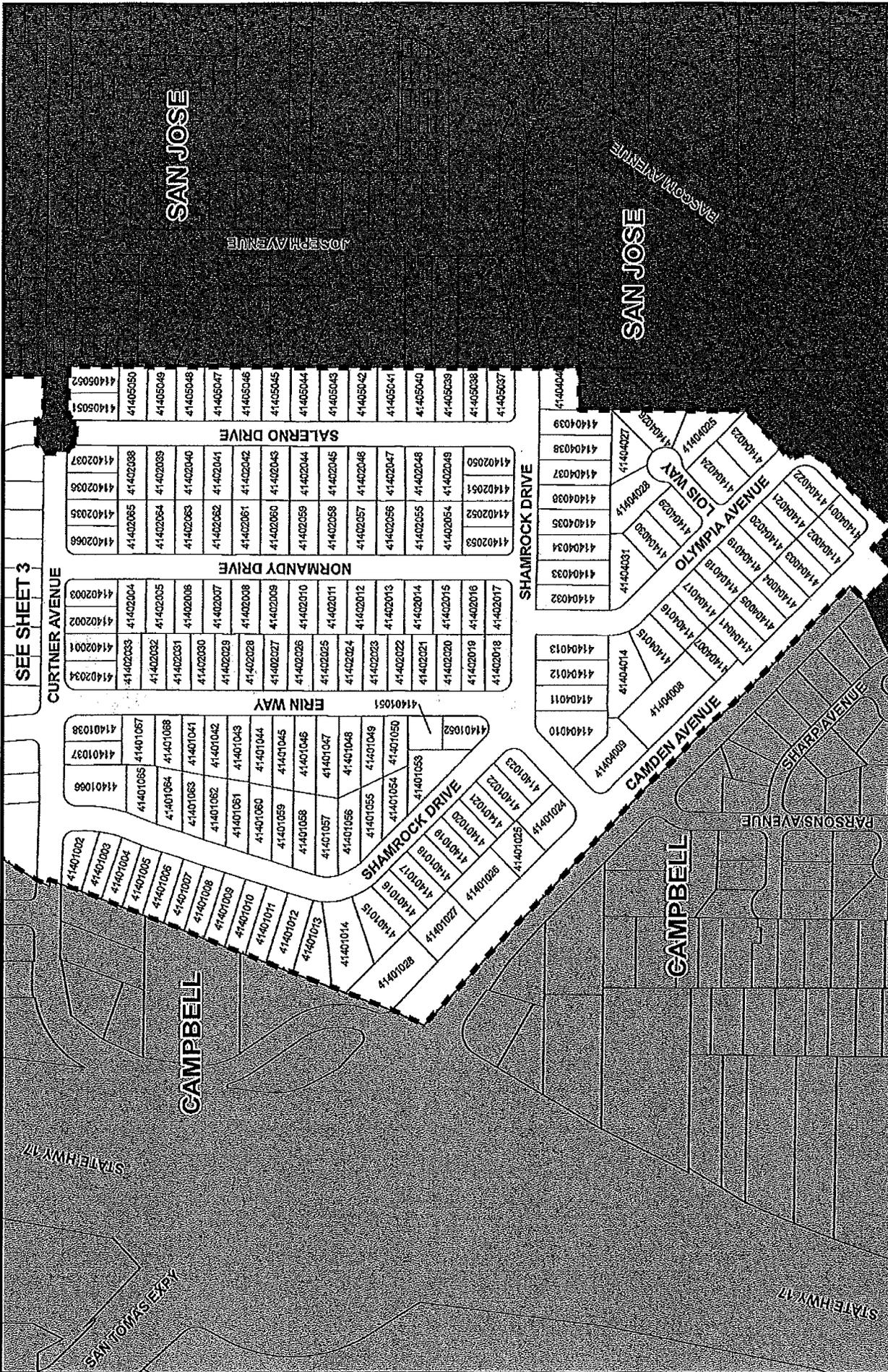
LEGEND:

	Area of Annexation
	Incorporated Lands San Jose
	Unincorporated Lands
	City of Campbell

**EXHIBIT "A"**  
**San Jose Pocket Annexation No. 49**  
**Cambrian No. 36**  
**103 Acres +/-**  
 Prepared by the Office of the County Surveyor  
 April 14, 2010  
 Gwendolyn Gee, County Surveyor

**TITLE**  
**County of Santa Clara**  
 Department of Planning and Development  
 Office of the County Surveyor  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110





SEE SHEET 3

SAN JOSE

SAN JOSE

CAMPBELL

CAMPBELL

TITLE:

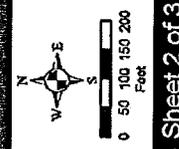
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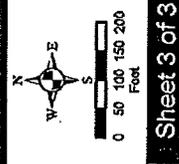
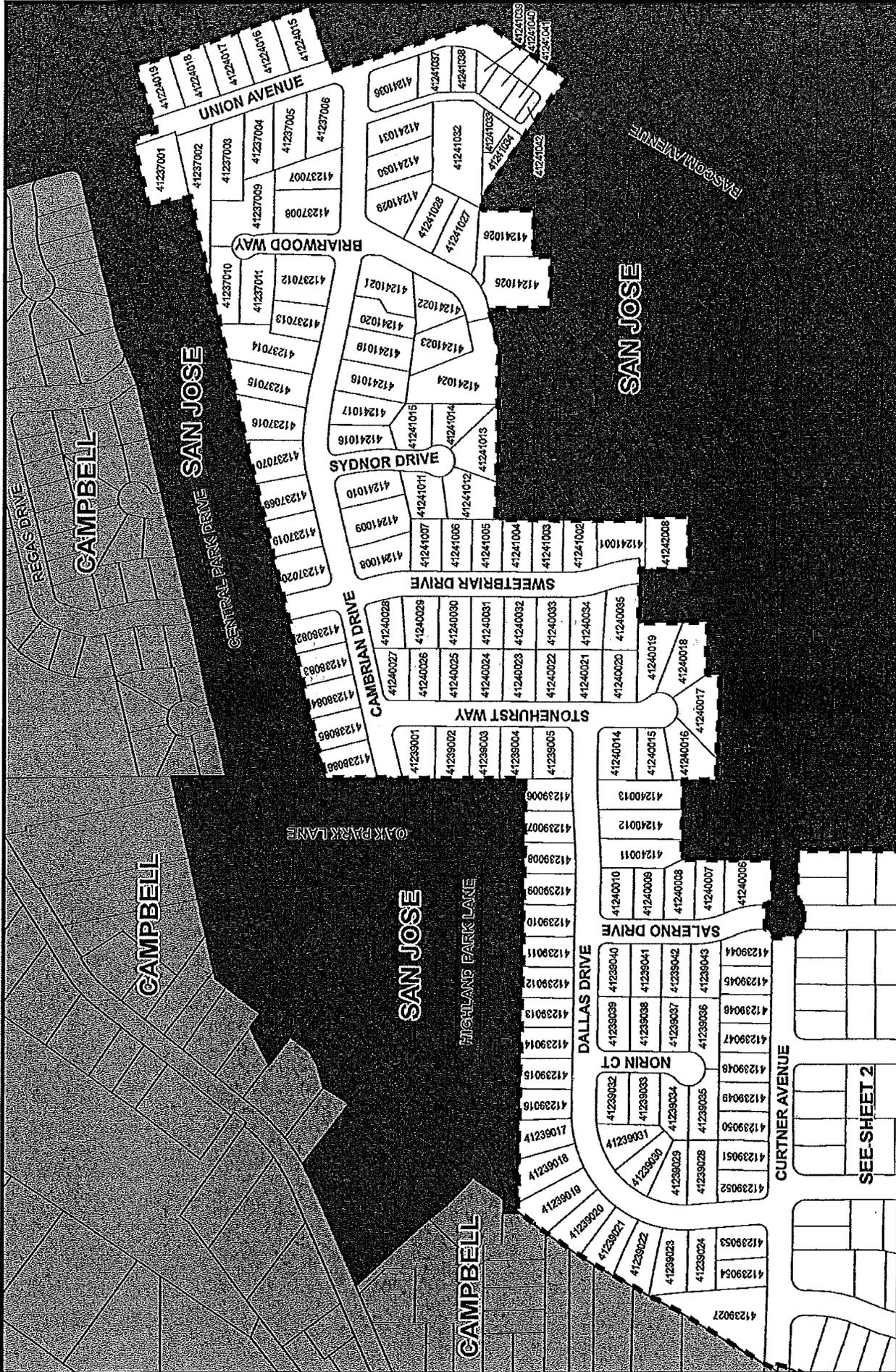
**County of Santa Clara**  
 Department of Planning and Development  
 Office of the County Surveyor  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110



**LEGEND:**  
 [Symbol] Area of Annexation  
 [Symbol] Incorporated Lands San Jose  
 [Symbol] Unincorporated Lands  
 [Symbol] City of Campbell  
 12345678 Assessor's Parcel Number

Prepared by the Office of the County Surveyor  
 April 14, 2010  
 Gwendolyn Gee, County Surveyor





**LEGEND:**

- Area of Annexation
- Incorporated Lands San Jose
- Unincorporated Lands
- City of Campbell

122-45578 Assessor's Parcel Number

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**San Jose Pocket Annexation No. 49**  
**Cambrian No. 36**  
**103 Acres +/-**

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 Department of Planning and Development  
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