

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE ORDERING THE ANNEXATION OF CERTAIN  
UNINHABITED TERRITORY IN UNINCORPORATED  
SANTA CLARA COUNTY DESIGNATED AS BURBANK  
NO. 47, SUBJECT TO LIABILITY FOR GENERAL  
INDEBTEDNESS OF THE CITY**

**WHEREAS**, the City of San José desires to order proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, as the same may be amended from time to time, of the annexation of territory designated as Burbank No. 47 to the City of San José, and the detachment of certain territory, including the Burbank Sanitary District, Santa Clara County Central Fire Protection District, Valley Water, Santa Clara County Lighting Service Area, and Santa Clara County Library District; and

**WHEREAS**, this proposal includes an annexation to the City of San José of certain unincorporated territory located within the County of Santa Clara and within the Urban Service Area of said City which is not subject to review by the Santa Clara County 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 “**Burbank No. 47**,” and a description of the boundaries of this territory is set forth in Exhibit “A,” entitled “Geographic Description,” attached and incorporated by reference, which description 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 by reference; and

**WHEREAS**, the subject real property, comprising approximately 1.31 gross acres located on the east side of South Bascom Avenue between Parkmoor Avenue and Basile Avenue and on the north side of Parkmoor Avenue between South Bascom Avenue and Laswell Avenue (APNs 277-29-045 and 277-29-044) and portions of South Bascom Avenue and Basile Avenue, is contiguous to the City of San José and is within the City's Urban Service Area; and

**WHEREAS**, the subject property currently is receiving services from and is under the control and jurisdiction of the County of Santa Clara; and

**WHEREAS**, upon obtainment of Santa Clara County Local Area Formation Commission's ("LAFCO") certification of the proposed annexation and recordation of this Resolution with the Office of the County Clerk-Recorder for the County of Santa Clara, the approximately 1.31-gross-acre area of unincorporated Santa Clara County designated as Burbank No. 47 will be within the incorporated area of the City of San José and eligible to receive the following benefits from the City, to wit: municipal services, including but not limited to street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, and fire protection; and

**WHEREAS**, subsequent to the adoption of Resolution No. RES2023-35 on February 14, 2023, initiating annexation of Burbank No. 47 to the City of San José, City staff determined that Burbank No. 47 must detach from all current services, including the Burbank Sanitary District; and

**WHEREAS**, the City of San José reserves the right to seek LAFCO's certification and record this Resolution only after a development proposal has been submitted or permitted for the subject property or upon the issuance of a building permit; and

**WHEREAS**, on February 14, 2023, the City Council adopted Ordinance No. 30884 approving the pre-zoning of the territory to the Commercial Pedestrian Zoning District and the R-1-8 Single-Family Residence Zoning District (under File No. C22-040) and will be so zoned upon its annexation to the City of San José in accordance with Section 20.120.300 of the Zoning Ordinance (Title 20 of the San José Municipal Code); and

**WHEREAS**, the City of San José is the Lead Agency for environmental review for the reorganization known as “**Burbank No. 47**” under the California Environmental Quality Act of 1970, as amended (“CEQA”); and

**WHEREAS**, the environmental impacts of this project were addressed by a Determination of Consistency with the Final Program Environmental Impact Report entitled, “Envision San José 2040 General Plan,” adopted by City Council Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report for the Envision San José, 2040 General Plan, Greenhouse Gas Reduction Strategy, and findings were adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto; and

**WHEREAS**, the County Surveyor of Santa Clara County has found the real property description of the subject property and the map of the subject property (Exhibits “A” and “B,” respectively) to be in accordance with California Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO’s 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 to the City, and the City Council is proposing the reorganization described in this Resolution; and

**WHEREAS**, as the territory is uninhabited and all owners of land included in this proposal have consented to this annexation; and

**WHEREAS**, Government Code Section 56662 provides that if a proposal for an annexation is accompanied by proof that all owners of land within the affected territory have given their written consent 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**, the reason for the proposed reorganization is as follows: to annex the subject territory and detach the same from the appropriate special districts to eliminate a duplication of 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; and

**WHEREAS**, the following facts 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 reorganization to be definite and certain, and in compliance with the Santa Clara County Local Agency Formation Commission's road annexation policies.
3. The annexation does not split lines of assessment or ownership in that all affected parcels are being organized in their entirety.

4. The annexation 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 in size 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 Santa Clara County Local Agency Formation Commission for inclusion of the territory in the City's Urban Service Area as follows: On June 24, 2022, the City of San José informed LAFCO of its intent to annex the subject territory. During the review process, the annexation boundary was modified per LAFCO's request to include the adjacent streets to comply with LAFCO's Street Annexation Policy. Since then, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on June 23, 2022, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: Santa Clara County Lighting Service Area, Valley Water, Santa Clara County Central Fire Protection District, Burbank Sanitary District, and Santa Clara County Library District. The only objection to detachment received by the City was from Burbank Sanitary District.

The pre-zoning designation of the subject territory is CP Commercial Pedestrian Zoning District and R-1-8 Single-Family Residence Zoning District inasmuch as the City Council on February 14, 2023, approved an ordinance and adopted said ordinance on February 14, 2023, pre-zoning the subject territory (Ordinance No. 30884).

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

1. That the City Council of the City of San José hereby incorporates the foregoing recitals into this Resolution as if fully contained herein.
2. That the City Council of the City of San José hereby orders the territory designated as Burbank No. 47 reorganized to include the following changes of organization:  
(a) the territory designated Burbank No. 47 is detached from all current services,

including but not limited to: the Burbank Sanitary District, the Santa Clara County Central Fire Protection District, Valley Water, Santa Clara County Lighting Service Area, and Santa Clara County Library District; and (b) the territory designated Burbank No. 47 is annexed into the City of San José. The City of San José, as conducting authority, reorganized such territory as indicated above, it being found and concurred that the territory involved in the reorganization is uninhabited and all the owners of land within the territory have filed a written petition for the City Council to initiate said reorganization.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**  
Geographic Description

**ANNEXATION TO THE CITY OF SAN JOSE**

Entitled  
**BURBANK No. 47**

All that certain territory in the County of Santa Clara, State of California, described as follows:

Being Lots 274, 275, 276 and a portion of Lot 277, as said Lots are shown upon Tract No. 121, entitled "Re-Subdivision of Beverly Place – Unit No. 5", filed for record on October 19, 1939 in Book 4 of Maps at Page 21, Records of Santa Clara County, a portion of Lot 250, as said Lot is shown upon Tract No. 156, entitled "Map of Beverly Place – Unit No. 6", filed for record on September 16, 1940 in Book 5 of Maps at Pages 12 and 13, Records of said County, a portion of South Bascom Avenue, a portion of Basile Avenue, and more particularly described as follows:

**BEGINNING** at a point on the southerly line of Lot 50, said point being at the intersection of the southerly line of said Lot with a line parallel with and 47.00 feet westerly, measured at right angles, from the monument line of South Bascom Avenue (formerly San Jose and Los Gatos Road), as said Lot and monument line are shown upon Tract No. 177, entitled "Bradley Manor – Unit No. 1", filed for record on March 3, 1941 in Book 5 of Maps at Pages 44 and 45, Records of said County, said point being also at the intersection of the northerly line of the existing City of San Jose annexation boundary, described and designated as Moorpark No. 17, as passed and adopted on June 11, 1973 by the City Council of the City of San Jose, Ordinance No. 16813 with the easterly line of the existing City of San Jose annexation boundary, described and designated as Moorpark No. 21, as adopted on March 19, 1985 by the Santa Clara County Local Agency Formation Commission, recorded on March 25, 1985 as Document No. 8360838, Official Records of Santa Clara County;

Thence, (1) leaving said point and along the westerly line of said South Bascom Avenue and along the easterly line of said Moorpark No. 21 annexation, North 00°20'49" West, 50.00 feet to the northeasterly corner of said Moorpark No. 21 annexation;

Thence, (2) leaving said northeasterly corner of said Moorpark No. 21 annexation and continuing along said westerly line of said Bascom Avenue, North 00°20'49" West, 122.90 feet to the intersection with the westerly prolongation of the northerly line of said Basile Avenue;

Thence, (3) leaving said westerly line of South Bascom Avenue, along said prolongation line and along said northerly line of said Basile Avenue, North 89°37'00" East, 337.13 feet;

Thence, (4) leaving said northerly line of said Basile Avenue, South 00°23'00" East, 60.00 to the southerly line of said Basile Avenue;

Thence, (5) along said southerly line, South 89°37'00" West, 95.00 feet to the easterly line of said Lot 274 of said Map of Tract No. 121 (4 Maps 21);

Thence, (6) leaving said southerly line of Basile Avenue, along said easterly line of said Lot 274 and along the easterly line of said Lots 275 and 276 of said Map of Tract No. 121 (4 Maps 21), South 00°23'00" East, 160.00 feet to the northerly line of said Lot 250 of said Map of Tract No. 156 (5 Maps 12-13);

**ANNEXATION TO THE CITY OF SAN JOSE**

Entitled  
**BURBANK No. 47**

Page 2 of 2

Thence, (7) along the said northerly line of said Lot 250, North 89°37'00" East, 115.00 feet to the westerly line of Laswell Avenue;

Thence, (8) along said westerly line of Laswell Avenue, South 00°23'00" East, 8.91 feet to the beginning of a tangent curve to the right, having a Radius of 20.00 feet;

Thence, (9) southwesterly along said curve, through a central Angle of 100°29'59", with an arc Length of 35.08 feet to the northerly line of Parkmoor Avenue;

Thence, (10) along said northerly line of Parkmoor Avenue, North 79°53'01" West, 218.93 feet to the beginning of a non-tangent curve, concave to the northeast, having a Radius of 20.00 feet, with a radial line that bears South 10°09'05" West;

Thence, (11) northwesterly along said curve, through a central Angle of 79°30'06", with an arc Length of 27.75 feet to the northeasterly corner of said Moorpark No. 17 annexation;

Thence, (12) leaving said corner and along said northerly line of said Moorpark No. 17 annexation, North 79°39'56" West, 86.50 feet to an angle point therein;

Thence, (13) continuing along said northerly line of said Moorpark No. 17 annexation, South 89°39'11" West, 17.00 feet to the point of **BEGINNING**.

Containing and area of 1.310 acres, more or less.

**As shown on EXHIBIT "B" map attached hereto and made a part hereof.**

This description is for assessment purposes only and is not a legal description of the lands as defined in the Subdivision Map Act of the State of California. This description is not to be used as the basis for sale, lease or finance of the lands described herein.

By: John Koroyan  
John Koroyan  
P.L.S. No. 8883

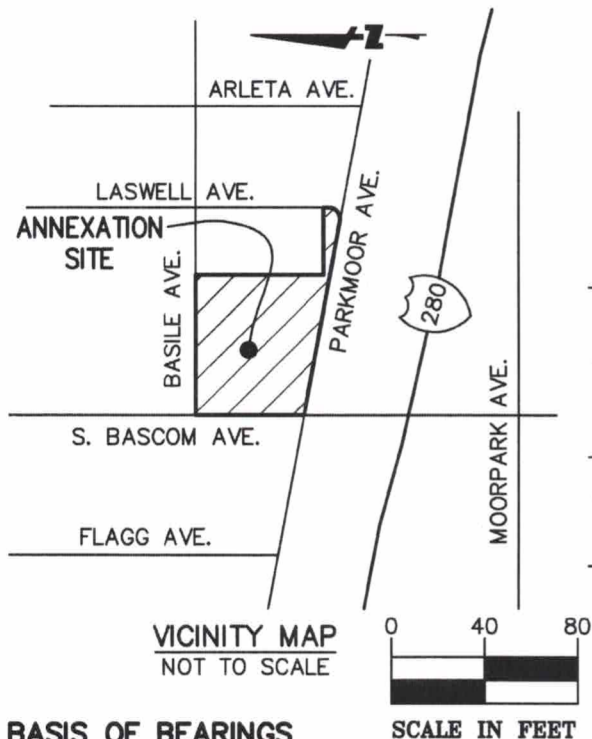


Date: AUG. 30, 2022



# **COURSES:**

- ① N00°20'49"W 50.00'
- ② N00°20'49"W 122.90'
- ③ N89°37'00"E 337.13'
- ④ S00°23'00"E 60.00'
- ⑤ S89°37'00"W 95.00'
- ⑥ S00°23'00"E 160.00'
- ⑦ N89°37'00"E 115.00'
- ⑧ S00°23'00"E 8.91' (8.95' PER DOC. 18122961)
- ⑨ R=20.00' A=100°29'59" L=35.08'
- ⑩ N79°53'01"W 218.93'
- ⑪ R=20.00' A=79°30'06" L=27.75'
- ⑫ N79°39'56"W 86.50'
- ⑬ S89°39'11"W 17.00'



## **BASIS OF BEARINGS**

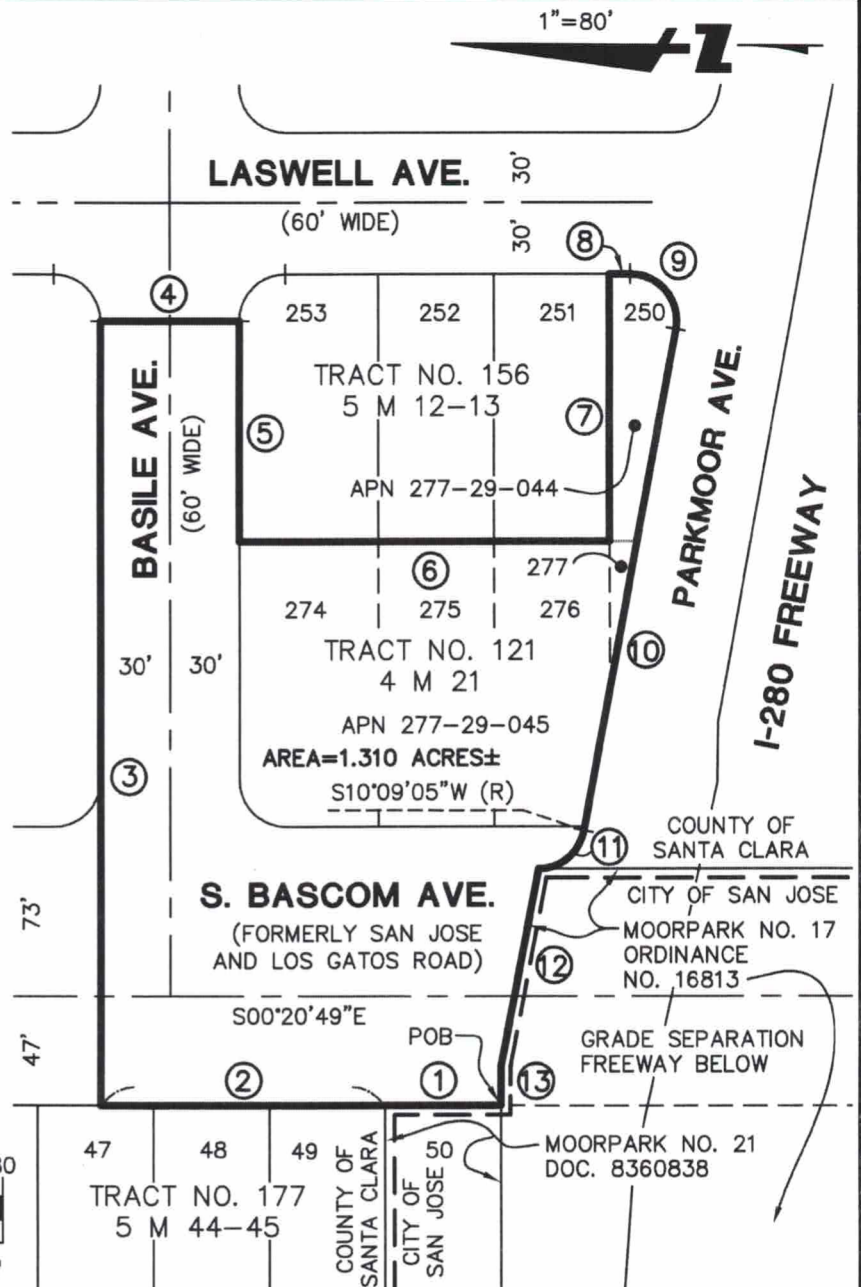
THE BEARING S00°20'49"E OF THE CENTERLINE OF S. BASCOM AVENUE (FORMERLY SAN JOSE AND LOS GATOS ROAD), BETWEEN BASILE AVENUE AND MOORPARK AVENUE, AS SAID BEARING IS SHOWN ON MAP OF TRACT NO. 121, ENTITLED "RE-SUBDIVISION OF BEVERLY PLACE-UNIT NO. 5", FILED FOR RECORD ON OCTOBER 19, 1939 IN BOOK 4 OF MAPS AT PAGE 21, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA.

## **LEGEND**

- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING CITY OF SAN JOSE BOUNDARY LINE
- APN ASSESSOR'S PARCEL NUMBER PER ROLL YEAR 2021-2022
- POB POINT OF BEGINNING



BKF NO. 20210449 (BURBANK THEATRE)



## **NOTE**

THE LOCATION AND DESCRIPTION OF THIS PROPOSED ANNEXATION IS FOR ASSESSMENT PURPOSES ONLY AND IS NOT A LEGAL DESCRIPTION OF THE LANDS AS DEFINED IN THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA. THIS MAP AND DESCRIPTION IS NOT TO BE USED AS THE BASIS FOR SALE, LEASE OR FINANCE OF THE LANDS SHOWN HEREON.

## **EXHIBIT "B"**

**ANNEXATION**  
**TO THE CITY OF SAN JOSE**  
**ENTITLED**  
**BURBANK NO. 47**

08/30/2022, SCALE 1"=80'  
SHEET 1 OF 1