

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE INITIATING REORGANIZATION  
PROCEEDINGS FOR THE ANNEXATION AND  
DETACHMENT OF CERTAIN UNINHABITED  
TERRITORY DESIGNATED AS STORY NO. 69,  
DESCRIBED MORE PARTICULARLY HEREIN, AND  
SETTING THE DATE, TIME AND PLACE FOR  
CONSIDERATION OF SUCH REORGANIZATION**

**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, as the same may be amended from time to time, of the annexation of territory designated as Story No. 69 to the City of San José, and the detachment of certain territory from the Central Fire Protection District, County Sanitation District 2-3, and Santa Clara County Library Services; 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 “**Story No. 69,**” and a description of the boundaries of this territory is set forth in Exhibit “A,” entitled “Geographic Description,” attached hereto and incorporated herein by this 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” entitled “Proposed Annexation to City of San José Entitled Story No. 69,” and incorporated herein by this reference; and

**WHEREAS**, the subject real property, comprising approximately 0.99 acre located on the south side of Fleming Avenue, approximately 50 feet southeast of Nob Hill Drive (APN 601-29-008), 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 or will receive the following benefits from the City, to wit: all municipal services, not limited to street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, and fire protection; and

**WHEREAS**, on [REDACTED], 20[REDACTED], the City Council adopted Ordinance No. [REDACTED] approving the pre-zoning of the territory to the R-1-8 Single-Family Residence Zoning District (under File No. C20-004) 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 “**Story No. 69**” under the California Environmental Quality Act of 1970, as amended (“CEQA”); and

**WHEREAS**, the environmental impacts of this project were addressed by a Final Program Environmental Impact Report entitled, “Envision San José 2040 General Plan,” under Planning File No. PP09-011 and findings were adopted by City Council Resolution No. 76041 on November 1, 2011, the Supplemental Environmental Impact

Report for the Envision San José, 2040 General Plan, Greenhouse Gas Reduction Strategy, under Planning File No. PP15-060 and findings were adopted by City Council Resolution No. 77617 on December 15, 2015; and a 2030 Greenhouse Gas Reduction Strategy Addendum to the Envision San José 2040 General Plan and Supplemental General Plan, under Planning File No. PP20-012 and findings were adopted by City Council Resolution No. 79799 on November 17, 2020; 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 the Santa Clara County’s Local Agency Formation Commission’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 initiated by resolution of the City Council, and the City Council by this resolution 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 special districts to eliminate a duplication of services;

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

That the City Council of the City of San José hereby initiates proceedings for the proposed reorganization of the designated territory described herein and sets January 12th, 2021 at 6:00 p.m., via a virtual City Council meeting, as the date, time and place for consideration of such reorganization. This Council is hereby designated as the conducting authority of said proceedings.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

EXHIBIT "A"  
STORY NO. 69  
ANNEXATION TO CITY OF SAN JOSE  
GEOGRAPHIC DESCRIPTION

All that certain real property, situated in Santa Clara County, State of California, described as follows:

BEGINNING at the point of intersection of the southwesterly line of Fleming Avenue (40 feet wide) and the San Jose City Limits Line, as established by Story No. 1-B and Story No. 48 Annexation;

Thence leaving said point of beginning, (1) South 54°15'00" West, 244.56 feet along said City Limits, as established by Story No. 1-B Annexation;

Thence leaving said City Limits, (2) North 66°29'41" West, 151.81 feet;


Thence (3) North 34°18'45" East, 75.38 feet;

Thence (4) North 59°02'45" East, 226.83 feet to the southwesterly line of Fleming Avenue (40 feet wide) and City Limits as established by Story No. 48 Annexation;

Thence along said southwesterly line and City Limits, (5) South 46°11'15" East, 139.53 feet to the POINT OF BEGINNING.

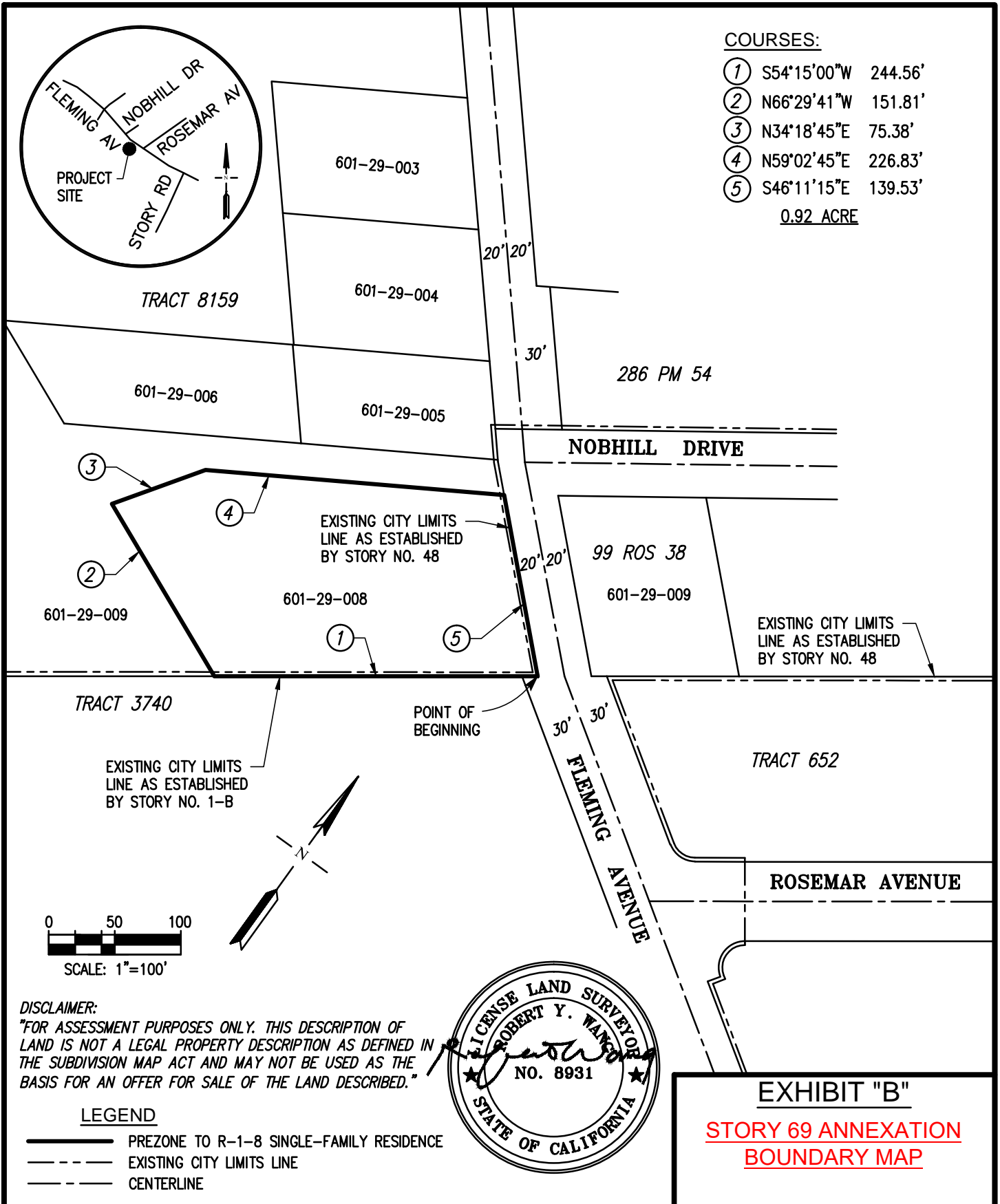
The above described parcel of land contains 0.92 acre, more or less.

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

  
\_\_\_\_\_  
Robert Y. Wang                      3/23/20  
L.S. 8931                              Date

**COURSES:**

- ① S54°15'00"W 244.56'
  - ② N66°29'41"W 151.81'
  - ③ N34°18'45"E 75.38'
  - ④ N59°02'45"E 226.83'
  - ⑤ S46°11'15"E 139.53'
- 0.92 ACRE



**DISCLAIMER:**  
 "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

- LEGEND**
- PREZONE TO R-1-8 SINGLE-FAMILY RESIDENCE
  - EXISTING CITY LIMITS LINE
  - CENTERLINE



**EXHIBIT "B"**  
**STORY 69 ANNEXATION**  
**BOUNDARY MAP**

DATE:  
12/9/2020

SCALE: 1"=100'

BY: RW

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**RW RW ENGINEERING, INC.**  
 CIVIL ENGINEERS LAND SURVEYORS  
 505 ALTAMONT DRIVE, MILPITAS, CA 95035  
 (P) (408) 262-1899 (FAX) (408) 824-5556  
 rwengineering@gmail.com

ASSESSOR'S PARCEL NUMBER: 601-29-008

ACREAGE:  
0.92

BEING A PORTION OF PUEBLO TRACT NO. 1 OF THE PUEBLO LANDS OF THE CITY OF SAN JOSE