

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE INITIATING REORGANIZATION PROCEEDINGS FOR THE ANNEXATION AND DETACHMENT OF CERTAIN TERRITORY DESIGNATED AS BURBANK NO. 45, 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, to annex the territory designated as Burbank No. 45 into the City of San José and detach from the Santa Clara County Lighting Service Area, Santa Clara County Central Fire Protection District, Santa Clara County Library District, and the Burbank Sanitary 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, 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. 45**,” and a description of the boundaries of this territory is set forth in Exhibit “A,” entitled “Annexation to City of San Jose,” attached and incorporated by this reference, which description is subject to correction or revision as required; and

**WHEREAS**, a plat map showing the location of such territory is attached as Exhibit “B” entitled “Overall Parcel and Right of Way Annexation,” and incorporated by this reference; and

**WHEREAS**, the subject real property, comprising approximately 0.912-gross acres located on the northeast corner of West San Carlos Street and Cleveland Avenue (APNs

274-17-018, 019, 020, 021 and 022) and a portion of Cleveland Avenue, approximately 300 feet north beginning at West San Carlos Street and Cleveland Avenue, to the northerly property lines of APN: 274-17-023 and 274-17-037, 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 \_\_\_\_\_, 2025, the City Council adopted Ordinance No. \_\_\_\_\_ approving the pre-zoning of the territory to the Urban Village Zoning District (under File No. C21-034) 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. 45**" under the California Environmental Quality Act of 1970, as amended ("CEQA"); and

**WHEREAS**, the environmental impacts of this project were addressed by an Initial Study/Mitigated Negative Declaration for the 1921 and 1927 West San Carlos Project, which was adopted by the City Council on \_\_\_\_\_, 2025; 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**, 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; and

**WHEREAS**, the City of San José reserves the right to seek certification from the Santa Clara Local Agency Formation Commission and record a resolution ordering annexation of the subject property upon issuance of a building permit for construction or at any time prior to issuance of such permit; and

**WHEREAS**, prior to seeking certification and as a condition of this annexation, the project applicant shall perform an assessment of all public infrastructure within the area to be annexed and submit said assessment to the City for review and approval, including but

not limited to an assessment of the sanitary sewer system and the improvements necessary to connect to municipal 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 incorporates the foregoing recitals into this resolution and initiates proceedings for the proposed reorganization of the designated territory described herein and sets May 6, 2025, at 1:30 p.m., 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 \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

MATT MAHAN  
Mayor

ATTEST:

---

TONI J. TABER, MMC  
City Clerk

**ANNEXATION NO.  
ANNEXATION TO CITY OF SAN JOSE**

THE LAND REFERRED TO IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF CLEVELAND AVENUE AND LOT 9 AND ALL OF LOTS 10, 11, 12, AND 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHEASTERN CORNER OF THE AFOREMENTIONED LOT 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, SAME BEING THE TRUE POINT OF BEGINNING OF THE BURBANK NO. 40 ANNEXATION TO THE CITY OF SAN JOSE AS DESCRIBED IN RESOLUTION NO. 74505 DATED MAY 20, 2008; FROM WHICH A 3/4" IRON PIPE FOUND BEARS NORTH 89°59'38" WEST, 103.28 FEET, BEING 5 FEET EAST OF THE CENTERLINE OF SAID CLEVELAND;

THENCE ALONG THE NORTHERLY LINE OF WEST SAN CARLOS STREET, (1) NORTH 89°59'38" WEST, 133.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID CLEVELAND AVENUE, (2) NORTH 0°08'17" WEST, 260.03 FEET;

THENCE (3) NORTH 89°51'43" EAST, 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 9, SAME BEING THE EASTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID LOT 9, (4) SOUTH 0°08'17" EAST, 22.49 FEET;

THENCE CROSSING SAID LOT 9, (5) SOUTH 89°59'38" EAST, 124.92 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9, SAME BEING THE WEST LINE OF LOT 23;


THENCE ALONG SAID COMMON LINE, (6) SOUTH 0°08'17" EAST, 112.66 FEET TO THE SOUTHERLY LINE OF SAID LOT 11, BLOCK 13 OF SAID INTERURBAN PARK TRACT;

THENCE ALONG SAID SOUTHERLY LINE, (7) NORTH 89°59'38" WEST, 41.63 FEET TO THE EASTERLY LINE OF SAID LOT 13, ALSO BEING THE WESTERLY LINE OF PARCEL 1 OF THAT CERTAIN PARCEL MAP DATED DECEMBER 18, 2009 AND RECORDED IN BOOK 834 OF MAPS, PAGES 50-51, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID COMMON LINE, (8) SOUTH 0°08'17" EAST, 125.00 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL AREA CONTAINING 24,485 SQUARE FEET OR 0.562 ACRES, AS SHOWN ON ATTACHED EXHIBIT "B", WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.

  
Kelly S. Johnson, PLS 9126  
Date: March 17, 2023





**220561-MAPCHECK  
ANNEXATION PARCEL**

Survey Tech: Wayne Holland

**Closure Summary**

Precision, 1 part in: 74427.01'

Error distance: 0.01'

Error direction: N60°12'21"E

Area: 37489.79 Sq. Ft.

Square area: 37489.789

Perimeter: 870.01'

**Point of Beginning**

Easting: 5193.5461'

Northing: 1989.3279'

**Side 1: Line**

Direction: N89°59'38"W

Angle: [90°00'22"]

Deflection angle: [-89°59'38"]

Distance: 133.28'

Easting: 5060.2661'

Northing: 1989.3422'

**Side 2: Line**

Direction: N0°08'17"W

Angle: [-90°08'39"]

Deflection angle: [89°51'21"]

Distance: 260.03'

Easting: 5059.6396'

Northing: 2249.3714'



Side 3: Line

Direction: N89°51'43"E  
Angle: [-90°00'00"]  
Deflection angle: [90°00'00"]  
Distance: 50.00'  
Easting: 5109.6394'  
Northing: 2249.4919'

Side 4: Line

Direction: S0°08'17"E  
Angle: [-90°00'00"]  
Deflection angle: [90°00'00"]  
Distance: 22.49'  
Easting: 5109.6936'  
Northing: 2227.0019'

Side 5: Line

Direction: S89°59'38"E  
Angle: [90°08'39"]  
Deflection angle: [-89°51'21"]  
Distance: 124.92'  
Easting: 5234.6136'  
Northing: 2226.9886'

Side 6: Line

Direction: S0°08'17"E  
Angle: [-90°08'39"]  
Deflection angle: [89°51'21"]  
Distance: 112.66'  
Easting: 5234.8851'  
Northing: 2114.3290'

Side 7: Line

Direction: N89°59'38"W

**EXHIBIT "B" (File Nos. C21-034, GP23-001, H23-005, T23-003)**

Angle: [-89°51'21"]

Deflection angle: [90°08'39"]

Distance: 41.63'

Easting: 5193.2551'

Northing: 2114.3334'

Side 8: Line

Direction: S0°08'17"E

Angle: [89°51'21"]

Deflection angle: [-90°08'39"]

Distance: 125.00'

Easting: 5193.5563'

Northing: 1989.3338'.0054'

