

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ORDERING THE REORGANIZATION OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS SNELL NO. 31, SUBJECT TO LIABILITY FOR GENERAL INDEBTEDNESS OF THE CITY

WHEREAS, a petition for the annexation of certain territory to the City of San José and detachment of said territory from Central Fire Protection and Area No. 01 (Library Services) County Service Special Districts, consisting of approximately 30.9 ± acres generally bordered by Marital Cottle Park to the north and the west, Chynoweth Avenue to the south, and Snell Avenue to the east (APN 464-06-021), has been filed by the County of Santa Clara Parks and Recreation Department and State of California Department of Parks and Recreation; 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, the distinctive short form designated by the territory proposed to be reorganized is **Snell No. 31** and a description of the boundaries of this territory is set forth in Exhibit "A," entitled "Legal Description," and depicted in Exhibit "B," entitled "Plat Map," 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 "C," entitled "Map of Proposed Annexation," and incorporated herein by this reference; and

WHEREAS, the City of San José, by its City Council Resolution No. [REDACTED] adopted on June 18, 2019, duly initiated reorganization proceedings for annexation and detachment of certain uninhabited 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; 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. [REDACTED]; and

WHEREAS, said territory is uninhabited and all land owner(s) of land included in the proposal consent to this annexation; and

WHEREAS, Government Code Section 56662(a) provides that if a petition for annexation is signed by all land owners of land within the affected territory, the City Council may approve or disapprove the annexation without public hearings; 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; and

WHEREAS, the reason(s) for the proposed reorganization, as set forth in the City's Resolution No. [REDACTED] initiating reorganization proceedings is to annex territory and obtain City of San José municipal services to implement park improvements; and

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

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

WHEREAS, the City's Resolution No. [REDACTED] fixed June 25, 2019, at 1:30 p.m. or soon thereafter as the matter may be heard, in the Council Chambers of the City of San José, City Hall, 200 East Santa Clara 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 project were addressed by a Final Environmental Impact Report entitled, "Envision San José 2040 General Plan," and findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and a Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and Addenda thereto; 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, and as set forth in the City's General Plan.

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 (LAFCO) 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 2040 in that existing and future park improvements are consistent with the City's General Plan designation of Open Space, Parklands and Habitat.
6. The territory to be annexed is contiguous to existing City limits.
7. The zoning designation of the subject territory will be A Agricultural Zoning District upon annexation to the City of San José in accordance with Section 20.120.310 of the Zoning Ordinance.

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 California Government Code for the annexation of property designated "**Snell No. 31,**" more particularly described in Exhibit "A" and more particularly shown upon that certain map attached hereto as Exhibit "B," both of which exhibits are incorporated herein by this reference;
2. That the following findings are made by the City Council for the City of San José:
 - a. That said territory is uninhabited and comprises approximately 30.9 gross 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 determined that the project is addressed by a Final Environmental Impact Report entitled, "Envision San José 2040 General Plan," and findings were adopted by City Council Resolution No.

76041 on November 1, 2011, and a Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. This proposal is in compliance with the California Environmental Quality Act and the Council has considered the Determination of Consistency with the previously adopted said Environmental Impact Report and Supplemental Environmental Impact Report, and Addenda thereto.

- d. That the subject territory will be zoned A Agricultural Zoning District within the City of San José immediately upon annexation in accordance with Section 20.120.310 of the City's Zoning Ordinance.
- e. That the site is located within the City's Urban Service Area as adopted by LAFCO and set forth in the City's General Plan.
- f. That the County Surveyor has certified the boundaries of the reorganization as definite and certain on February 17, 2017 (Amended Report of the County Assessor dated April 16, 2019).
- g. That all affected parcels are being reorganized in their entirety. No lines of assessment or ownership will be split.
- h. That no such islands are being created as the subject site is almost entirely surrounded by City of San José territory.
- i. That the proposed annexation is consistent with the City's adopted Envision San José 2040 General Plan. The proposed use of the subject site as a public park closely aligns with the City's General Plan designation of the site as Open Space, Parklands and Habitat.
- j. That the area proposed for reorganization is contiguous to the City limits along the majority of sides as shown on the attached annexation map (Exhibit C).
- k. That on December 7, 2016, the City of San José informed LAFCO of its intent to annex the subject territory. To date, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on December 15, 2016, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1.) To date, the City has received no objections from said districts to the proposed annexation. A written and signed consent form, dated April 19, 2019, to the waiver of protest

proceedings has been provided by the Parks Department of the County of Santa Clara.

3. That all affect local agencies that will gain or lose territory as a result of the reorganization have consented in writing to a waiver of protest proceedings.
4. That all property owners have been provided written notice of this proceeding and no opposition has been received.
5. That said annexation is hereby ordered without any further protest of these reorganization proceedings pursuant to Section 56662(c) and (d) 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 **Snell No. 31** reorganized and organized to include the following changes of organization: (a) the following districts are detached: Central Fire Protection and Area No. 01 (Library Services) County Services; and (b) the designated territory **Snell No. 31** 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), it is being found and concurred in 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.
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, described in Exhibit "A" and depicted in Exhibit "B" and describes and depicts in Exhibit "C" the proposed annexation boundaries, all attached hereto and incorporated herein by this reference.

ADOPTED this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

24-99045
10/15/03
THM

LEGAL DESCRIPTION
* PARCEL 1 - LESTER LIFE ESTATE
30.9 +/- ACRE PARCEL

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

BEGINNING at a point on the centerline of Snell Avenue distant thereon North 0°15' West 153.00 feet from the intersection thereof with the centerline of Chynoweth Avenue as shown on that certain map of Tract No. 4926 Montecito which map was filed for record in Book 282 of Maps, at Pages 20, 21 and 22, Santa Clara County Records;

Thence, leaving said **POINT OF BEGINNING** and said centerline of Snell Avenue, South 89°50'46" West 1105.03 feet;

Thence, North 03°08'53" West, 205.93 feet;

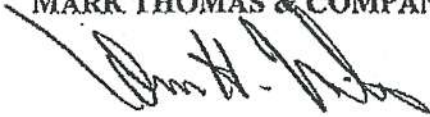
Thence, North 00°03'29" East 996.78 feet;

Thence, North 88°54'31" East 1110.20 feet to a point on said centerline of Snell Avenue;

Thence, along said centerline, South 00°15'00" East 1220.58 feet to the **POINT OF BEGINNING**.

Containing 30.94 acres of land, more or less.

MARK THOMAS & COMPANY, INC.

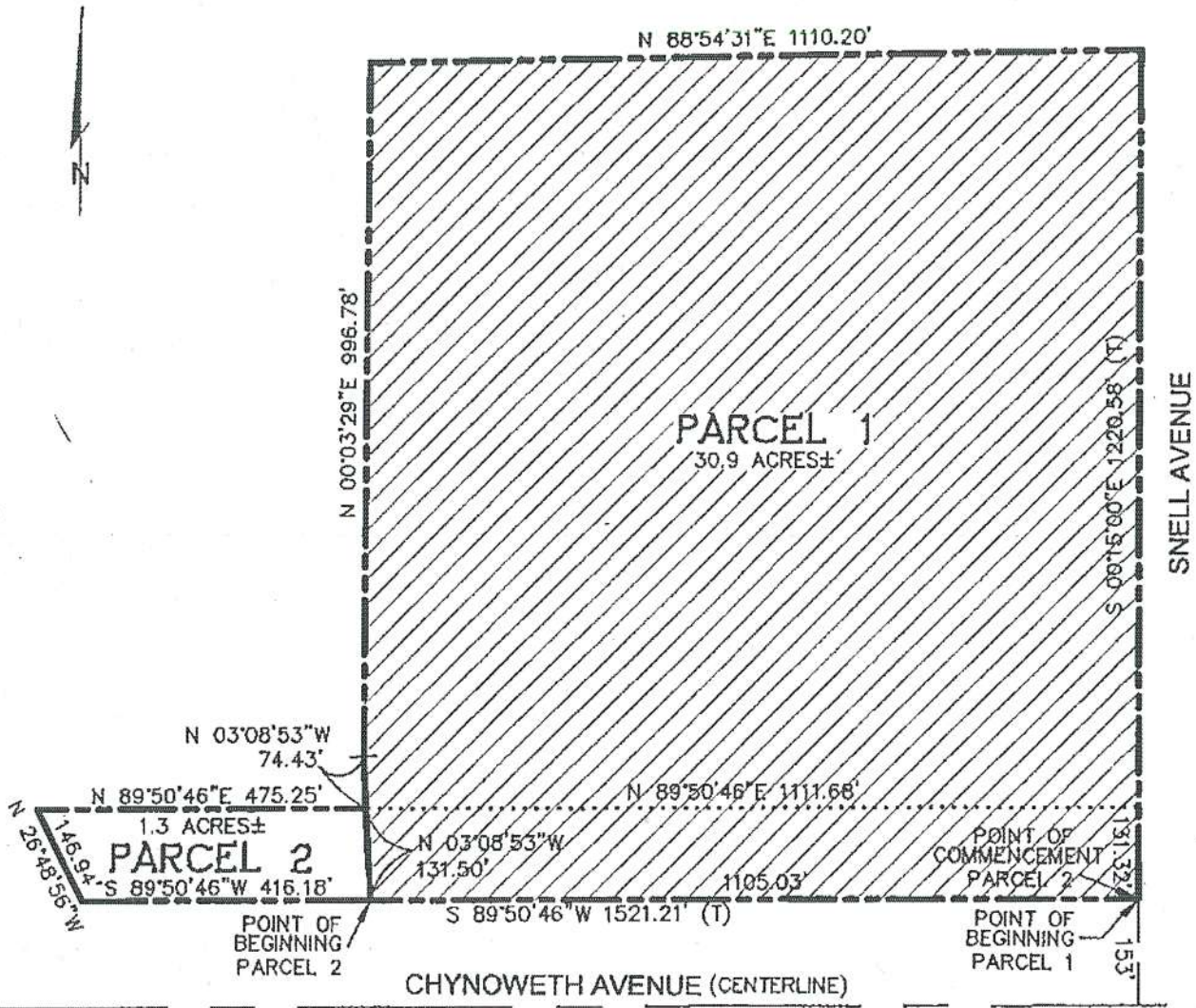


Tom H. Milo
Expiration Date

LS No. 6438
12/31/2006



CITY OF SAN JOSE
 COUNTY OF SANTA CLARA
 STATE OF CALIFORNIA



**PLAT TO ACCOMPANY DESCRIPTION OF
 PARCEL 1 LESTER LIFE ESTATE**

MARK THOMAS & COMPANY, INC.
 Providing Engineering, Surveying, and Planning Services
 90 ARCHER ST
 SAN JOSE, CA. 95112 (408) 453-5373

DESIGNED BY DCJ	APPROVED ON 10-15-03	JOB NO. 24-99046	SHEET 1 OF 1
CHKD. BY THM	BY TOM H. MILO	FILE NO.	
DATE 10/15/2003	L.S. NO. 6438 EXP. 12/31/06	#	
SCALE 1" = 250'			

