

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUPPORTING REORGANIZATION (DETACHMENT) OF CERTAIN TERRITORY DESIGNATED AS DOYLE NO. 7 FROM THE CITY OF SAN JOSE TO THE CITY OF CUPERTINO

WHEREAS, the subject real property, comprising approximately 9.56-gross acres consisting of two (2) parcels in the City of San José located at the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road, with APN's 375-21-001 and 375-22-001, annexed as "Doyle No. 7" in January 1958; and

WHEREAS, the subject property is known by the short form designation of "**Doyle No. 7,**" and a description of the boundaries of this territory is set forth in Exhibit "A" attached hereto and incorporated herein by this reference, which description is subject to correction or revision as required (hereinafter "Doyle No. 7" or "Territory"); and

WHEREAS, a map showing the location of such Territory is attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the City of Cupertino purchased Doyle No. 7 with the intent of creating public open space/park land; and

WHEREAS, on March 20, 2007, the Cupertino City Council adopted Ordinance No. 07-1998, pre-zoning (Application Z-2006-04) Doyle No. 7 to Pre-PR (Public Park or Recreational Zoning District); and

WHEREAS, on February 19, 2021, the City of San José received a request for a reorganization of the Territory from the legal owners of Doyle No. 7, with the intent of reorganization including detachment of Doyle No. 7 from the City of San Jose and

annexation of Doyle No. 7 by the City of Cupertino (hereinafter “The Reorganization”);
and

WHEREAS, pre-zoning is required by state law prior to the approval of The Reorganization; and

WHEREAS, the zoning by the City of Cupertino will take effect upon the effective date of The Reorganization; and

WHEREAS, the City Council held a public hearing on January 25, 2022, on The Reorganization request and received and considered all evidence presented at said hearing, including the City Council report; and

WHEREAS, a City of San José resolution of support is necessary for the City of Cupertino to initiate reorganization proceedings with the Santa Clara County Local Agency Formation Commission (LAFCO); and

WHEREAS, The Reorganization will not impact the provision of services to the Territory because there are currently no special districts providing services to the Territory; there is currently no utility service (gas, electric, water, sewer, stormwater) to the Territory; and the provision of all emergency services by the City of Cupertino upon the effective date of The Reorganization is a condition of the City of San Jose’s consent to The Reorganization.

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

1. The above recitals are incorporated herein by reference.
2. The Reorganization will not affect the delivery of necessary services to the Territory.

3. The Reorganization will not affect the delivery of necessary services to other properties in the City of San José.
4. The Reorganization will not enable development or land uses incompatible with other properties in the area, since the City of Cupertino has pre-zoned the Territory as public open space/park land.
5. This action is categorically exempt from the California Environmental Quality Act (CEQA) because The Reorganization consists of minor alterations in land use limitations in area with an average slope of less than twenty (20) percent, which does not result in any changes in land use or density, consistent with Section 15305 ("Minor alterations in land use limitations) of the CEQA Guidelines.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

1. 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," attached hereto and incorporated herein by this reference.
2. The City Council hereby indicates its support for and does not oppose consideration of The Reorganization on the following conditions:
 - a. The Reorganization shall be scheduled for consideration by LAFCO on or before January 25, 2024; and
 - b. The Territory no longer shall receive any City of San José services, including, but not limited to, emergency services (Police, Fire, Paramedic, ambulance) and utility services (gas, electric, water, sewer, stormwater) upon the effective date of The Reorganization removing the Territory from the City of San Jose's Sphere of Influence and Urban Service Area.
3. The City Council authorizes the City of San José Director of Planning, Building, and Code Enforcement to prepare and/or sign on behalf of the City of San José any materials needed to complete The Reorganization and enter into any necessary agreements with the City of Cupertino for separation from all City of San José services.

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ADOPTED this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A" (Doyle No. 7)

EXHIBIT "A-1"

**PARCEL 1
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION**

Commencing at the most northeasterly corner of Lands of Santa Clara Valley Water District (Book L033 OR Pg. 113) as shown on that certain Parcel Map, which was filed for record on January 4, 1990 in Book 609 of Maps at page 6, Santa Clara County Records,

Thence along the easterly line of said Lands of Santa Clara Valley Water District, South 20°09'45" East, 11.86 feet, and South 02°11' 00" West, 96.08 feet, to the **Point Of Beginning**;

Thence, continuing South 02°11'00" West, 186.30 feet and South 43°00'40" East, 192.89 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A" –layout details for stations 1+00.23 to 40+00;

Thence, North 00°44'33" West along said westerly line, 322.34 feet;

Thence leaving the westerly line of Lawrence Expressway, North 87°40'18" West, 120.40 feet to the **POINT OF BEGINNING**.

Containing an area of 32,126 square feet, (0.74 acres), more or less.

END OF DESCRIPTION



EXHIBIT "A" (Doyle No. 7)

EXHIBIT "A-1"

**PARCEL 2
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION**

Beginning at the southeast corner of Lot 278 as shown on the map of Tract 1183, which was filed for record on June 23, 1953 in Book 44 of Maps at Page 11 Santa Clara County Records,

Thence along the easterly line said Tract No. 1183 the following courses and distances:

North 14° 30' 00" East, 46.59 feet;
North 3° 22' 45" West, 191.71 feet;
North 19° 29' 45" West, 151.30 feet;
North 27° 45' 15" West, 189.35 feet;
North 3° 17' 15" West, 147.02 feet;
North 50° 51' 45" West, 121.65 feet;
North 12° 27' 45" West, 107.74 feet;
North 25° 06' 15" East, 61.00 feet;
North 66° 02' 15" East, 113.84 feet;
North 39° 42' 00" East, 194.78 feet;
North 15° 14' 00" East, 85.91 feet;
North 10° 16' 15" West, 138.43 feet;
North 1° 51' 30" East, 103.33 feet;
North 26° 18' 45" East, 126.23 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A"- layout details sheets for stations 1+00.23 to 40+00;

Thence, South 00° 44' 33" East along said westerly line 1055.78 feet to a tangent curve to the right, having a radius of 5433.00 feet, a central angle of 5° 01' 21", an arc length of 476.25 feet;

Thence, South 4° 16' 48" West, 29.03 feet;

Thence, leaving said westerly line of Lawrence Expressway South 87° 39' 53" West, 44.03 feet to the POINT OF BEGINNING.

Containing an area of 197,905 square feet (4.54 acres), more or less.

END OF DESCRIPTION.

Sheet 1 of 1



EXHIBIT "A" (Doyle No. 7)

EXHIBIT "A-1"

**PARCEL 3
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION**

Beginning at the southeast corner of Parcel 5 as shown on that certain Parcel Map, which was filed for record on January 4, 1990 in Book 609 of Maps, at page 6, Santa Clara County Records, and being more particularly described as follows;

Thence, along the easterly line of said Parcel 5, North 20°09'45" West, 45.40 feet;

Thence, continuing North 20° 09'45" West, along the easterly line of Lot 292, 291, and 290 as shown on the Map for Tract No. 1183 which was filed for record on June 23, 1953 in Book 44 of Maps, at Page 11, Santa Clara County Records, a distance of 165.91 feet;

Thence, continuing along the easterly line of Lot 290, 289, 288 and 287, as shown on said Tract Map No. 1183, North 04°04'45" East, 125.69 feet;

Thence, continuing along the easterly line of Lot 287, 286, 285, 284, and 283, as shown on said Tract Map No 1183, North 29°51'15" East, 214.50 feet;

Thence, continuing along the easterly line of Lot 282, and 281, as shown on said Tract Map No. 1183, North 06°13'45" West, 116.81 feet;

Thence continuing along the easterly line of Lot 280, and 279, as shown on said Tract Map No. 1183, North 19°26'45" East, 109.24 feet;

Thence, continuing along said easterly line of said Lot 279, North 14°30'00" East, 53.73 feet to the southeasterly corner of the "Lands of San Jose Water Works";

Thence, continuing North 14°30'00" East, 127.88 feet to the northeasterly corner of said "Lands of San Jose Water Works", also being the southeasterly corner of Lot 278 as shown on said Map of Tract 1183;

Thence North 87°39'53" East, 44.03 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A"-layout details sheets for stations 1+00.23 to 40+00;

Thence, South 04°16'48" West along said westerly line, 482.34 feet to a tangent curve to the left, having a radius of 5567.00 feet, a central angle of 5°01'21", an arc length of 488.00 feet;

Sheet 1 of 2 Sheets

EXHIBIT "A" (Doyle No. 7)

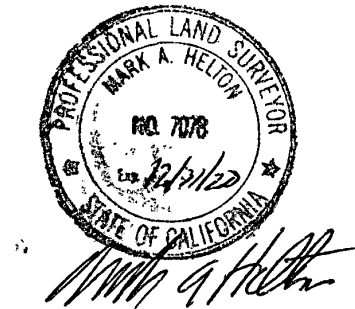
Thence, continuing along said westerly line, tangent to last said curve, South 00°44'33" East, 7.33 feet;

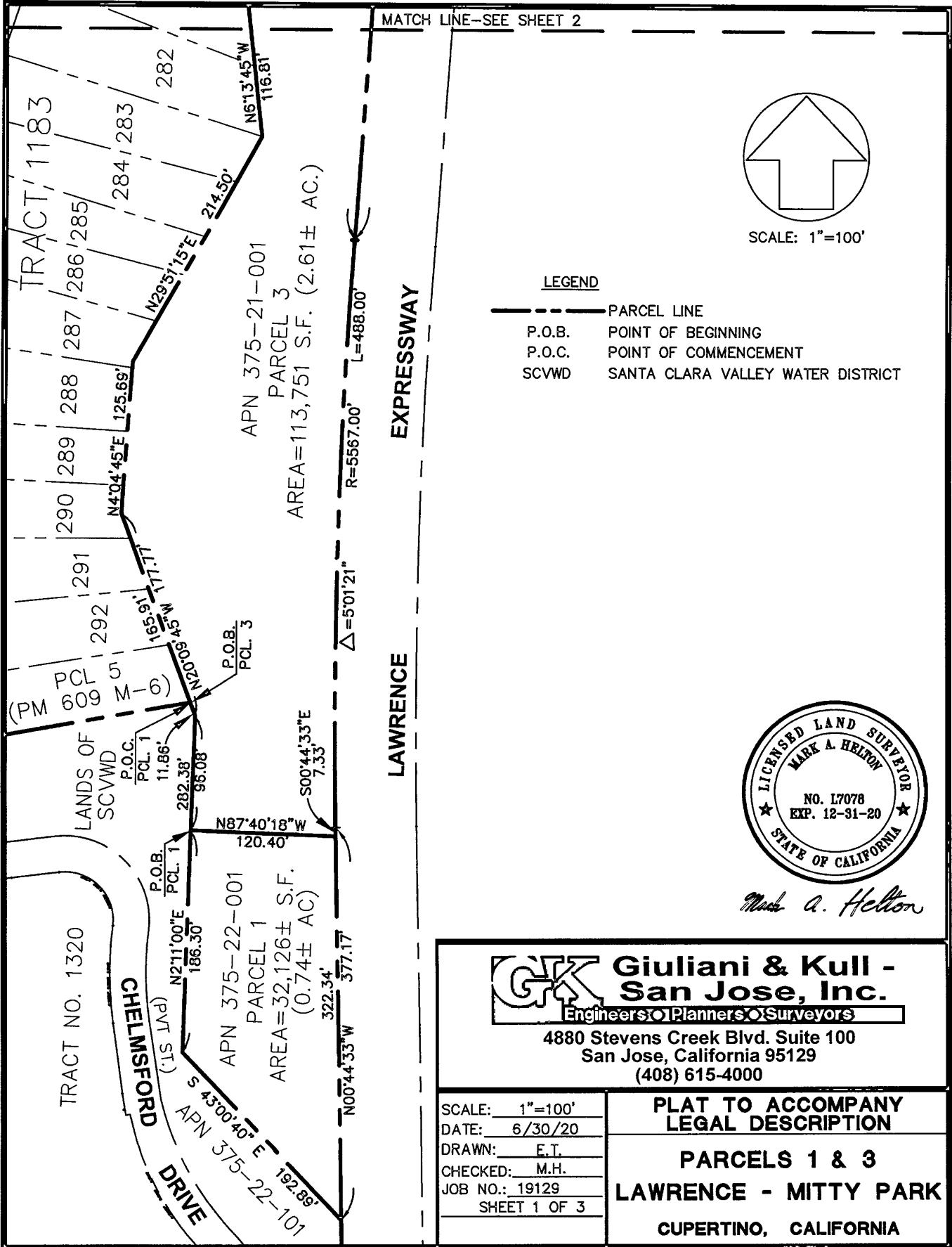
Thence, leaving the westerly line of Lawrence Expressway, North 87°40'18" West, 120.40 feet to the easterly line of the "Lands of Santa Clara Valley Water District", as shown on said Parcel Map (Book 609Maps page 6);

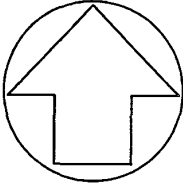
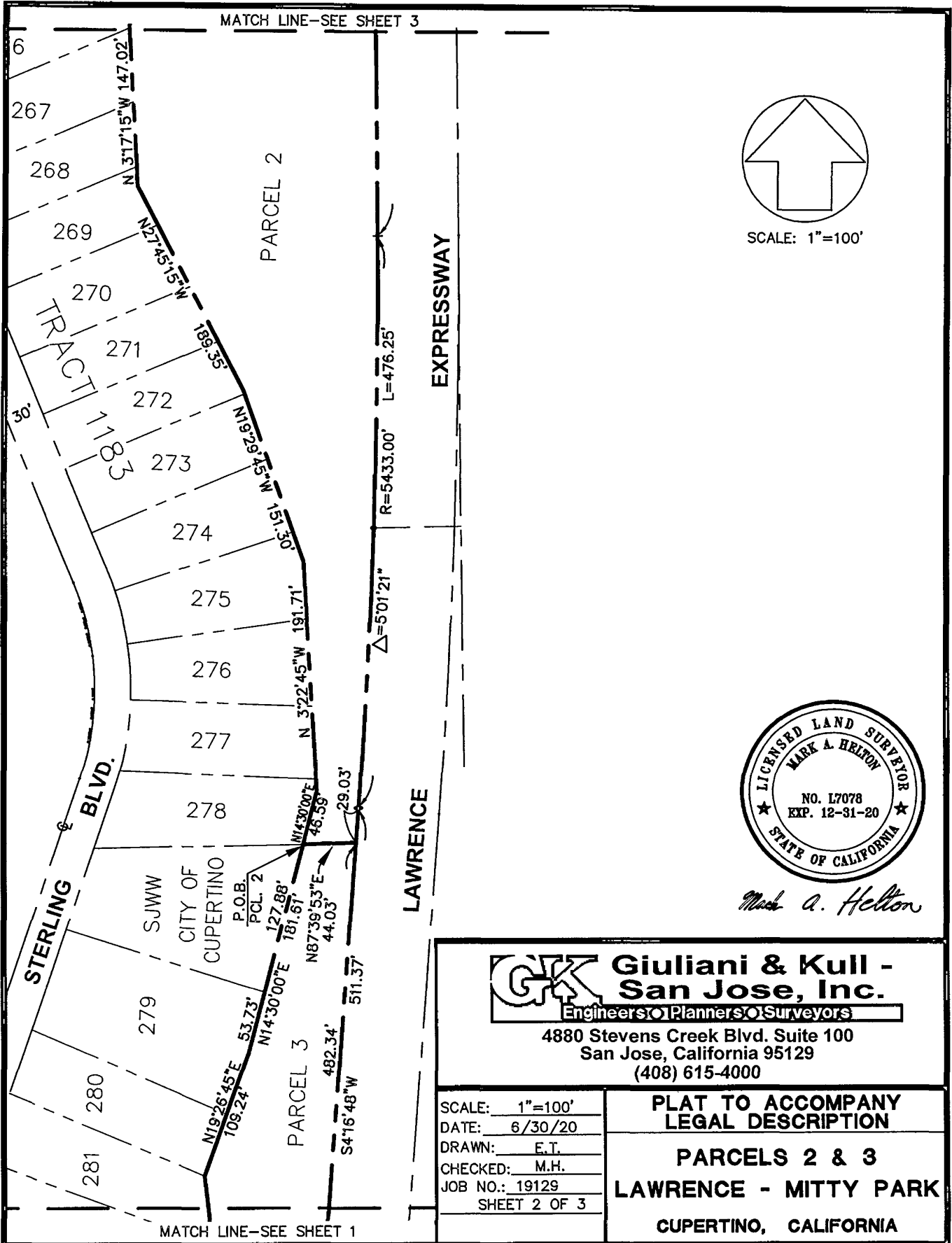
Thence North 02°11'00" East along said easterly line of said "Lands of Santa Clara Valley Water District", 96.08 feet and North 20°09'45" West, 11.86 feet to said southeast corner of Parcel 5 (PM 609 M6) and the **POINT OF BEGINNING**.

Containing an area of 113,751 square feet, (2.61 ± acres), more or less.

End of Description.







SCALE: 1"=100'



Mark A. Helton

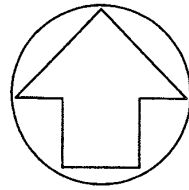
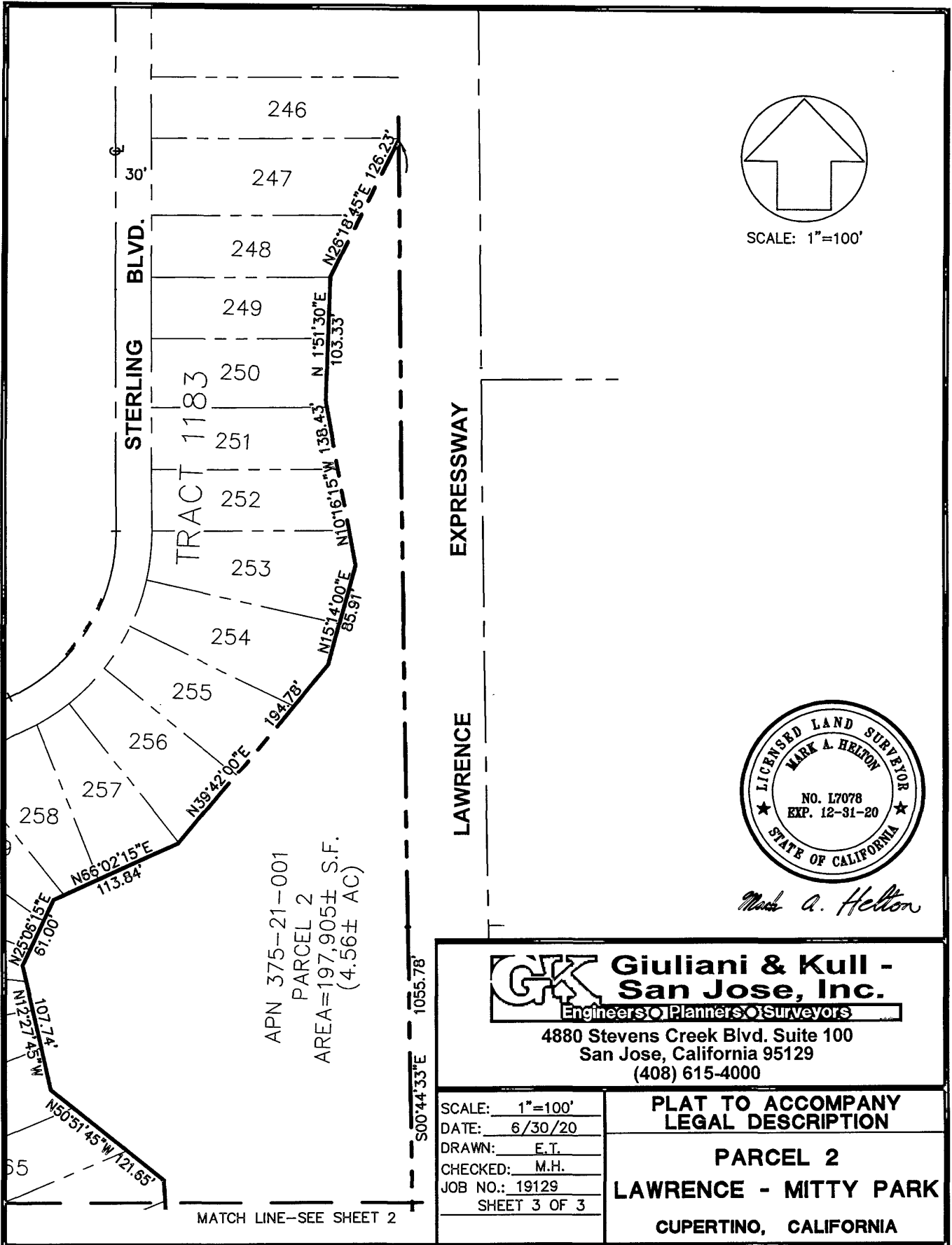
GK **Giuliani & Kull - San Jose, Inc.**
Engineers | Planners | Surveyors

4880 Stevens Creek Blvd. Suite 100
San Jose, California 95129
(408) 615-4000

SCALE: 1"=100'
DATE: 6/30/20
DRAWN: E.T.
CHECKED: M.H.
JOB NO.: 19129
SHEET 2 OF 3

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

PARCELS 2 & 3
LAWRENCE - MITTY PARK
CUPERTINO, CALIFORNIA



SCALE: 1"=100'



Mark A. Helton

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 San Jose, Inc.
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SCALE: 1"=100'
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 SHEET 3 OF 3

**PLAT TO ACCOMPANY
 LEGAL DESCRIPTION**

**PARCEL 2
 LAWRENCE - MITTY PARK
 CUPERTINO, CALIFORNIA**