

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 BURBANK NO. 47,  
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 Burbank No. 47 to the City of San José, and the detachment of certain territory from the Central Fire Protection District, Santa Clara Valley Water District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services, excepting 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. 47**,” 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 “Annexation to the City of San Jose Entitled Burbank No. 47,” and incorporated herein by this reference; and

**WHEREAS**, the subject real property, comprising of approximately 0.51 gross acres located on the east side of South Bascom Avenue between Basile Avenue and Parkmoor Avenue and the southwest corner of Laswell Avenue and Parkmoor Avenue (APNs 277-29-045 and 277-29-044), 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 lighting, law enforcement, code enforcement, street sweeping, garbage collection, and fire protection, and excepting any service provided by the Burbank Sanitary District; and

**WHEREAS**, on February 14, 2023, the City Council adopted Ordinance No. [REDACTED] approving the pre-zoning of the territory to the Commercial Pedestrian Zoning District (APN 277-29-045) and R-1-8 Residence Zoning District (APN 277-29-044), 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,” under Planning File No. PP09-011 and findings were 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, under Planning File No. PP15-060 and findings were adopted by City Council Resolution No. 77617 on December 15, 2015; 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 herein; and

**WHEREAS**, 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, excepting any service provided by the Burbank Sanitary District;

**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 March 14, 2023 at 1:30 p.m., in the Council Chambers at City Hall, located at 200 East Santa Clara Street, San José, California, 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 \_\_\_\_\_, 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**

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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.**

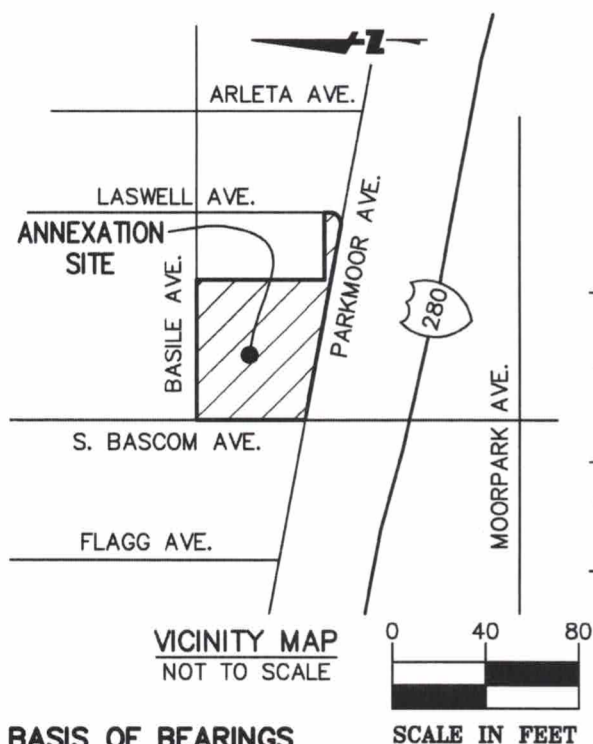
This description is for assessment purposes only and is not a legal description of the lands as defined in the Subdivision Map Act of the State of California. This description is not to be used as the basis for sale, lease or finance of the lands described herein.

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



Date: AUG. 30, 2022

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'	



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.

—————	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)



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