

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.45-GROSS ACRE SITUATED ON THE SOUTHEAST CORNER OF MURPHY AVENUE AND RINGWOOD AVENUE (1508 MURPHY AVENUE) FROM THE A AGRICULTURAL ZONING DISTRICT TO THE RM(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to **RM(PD)** Planned Development Zoning District under File No. PDC17-050 (the "MND"); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the **RM(PD)** Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

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

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as RM(PD) Planned Development Zoning District. The base district zoning of the subject property shall be RM Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Murphy Villas Subdivision" last revised on July 9, 2018 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. The land development approval that is the subject of City File No. PDC17-050 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this _____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

RECORDING REQUESTED BY:

First American Title Company

MAIL TAX STATEMENT

AND WHEN RECORDED MAIL DOCUMENT TO:

Space Above This Line for Recorder's Use Only

A.P.N.: 241-23-053

File No.: 4312-5325116 (JW)

GRANT DEED

FOR A VALUABLE CONSIDERATION.

the following described property in the City of **San Jose**, County of **Santa Clara**, State of **California**:

PARCEL ONE:

PORTION OF LOT 21, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF D. J. MURPHY'S RINGWOOD FARM", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 13, 1894 IN BOOK H OF MAPS, AT PAGES 90 AND 91, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF MURPHY AVENUE, DISTANT THEREON SOUTH 52° 48' WEST 1372.41 FEET FROM A GRANITE MONUMENT SET AT THE POINT OF INTERSECTION OF SAID CENTER LINE OF MURPHY AVENUE, WITH THE CENTER LINE OF LUNDY AVENUE, AS SAID AVENUES ARE SHOWN UPON THE MAP ABOVE REFERRED TO, AND FROM WHICH POINT OF BEGINNING A 1" IRON PIPE ON THE SOUTHEASTERLY LINE OF MURPHY AVENUE BEARS SOUTH 37° 12' EAST 25.00 FEET, RUNNING THENCE SOUTH 52° 48' WEST, ALONG SAID CENTER LINE OF MURPHY AVENUE, 106.00 FEET TO A POINT FROM WHICH A 1" IRON PIPE ON THE SOUTHEASTERLY LINE OF MURPHY AVENUE BEARS SOUTH 37° 12' EAST 25.00 FEET; THENCE LEAVING THE SAID CENTER LINE OF MURPHY AVENUE AND RUNNING THENCE SOUTH 37° 12' EAST AND PARALLEL WITH THE SOUTHWESTERLY LINE OF LOT 21, AS SAID LOT IS SHOWN UPON THE MAP ABOVE REFERRED TO, 228.77 FEET TO A 1" IRON PIPE; RUNNING THENCE NORTH 52° 48' EAST AND PARALLEL WITH THE SAID CENTER LINE OF MURPHY AVENUE, 106.00 FEET TO A 1" IRON PIPE; RUNNING THENCE NORTH 37° 12' WEST AND PARALLEL WITH THE SAID SOUTHWESTERLY LINE OF LOT 21, FOR A DISTANCE OF 228.77 FEET TO THE POINT OF BEGINNING.

Grant Deed - continued

Date: 04/27/2017

EXCEPTING THEREFROM ALL THAT PORTION OF LAND DESIGNATED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION, CASE NO. 606089, SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, AS DISCLOSED BY THE WITHDRAWAL OF LIS PENDENS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON AUGUST 29, 1989 IN BOOK L 75 AT PAGE 209, OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO S.H. NG AND DORIS NG RECORDED JULY 21, 1981, IN BOOK G227 OF OFFICIAL RECORDS, PAGE 228, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERNMOST CORNER OF SAID PARCEL, SAID POINT BEING ALSO ON THE CENTERLINE OF MURPHY AVENUE;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL, S. 37° 20' 30" E., 65.00 FEET TO A LINE PARALLEL WITH AND 65.00 FEET SOUTHEASTERLY OF SAID CENTERLINE;

THENCE ALONG SAID LINE S. 52° 44' 42" W., 97.13 FEET;

THENCE ALONG A TANGENT 20.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 26° 18' 16" FOR AN ARC DISTANCE OF 9.18 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL;

THENCE ALONG SAID LINE N. 37° 20' 30" W., 67.07 FEET TO SAID CENTERLINE;

THENCE ALONG SAID CENTERLINE N. 52° 44' 42" E., 106.00 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

PARCEL 7-C (REMAINDER PARCEL) AS SHOWN ON THE PARCEL MAP FOR SILICON VALLEY HABITAT FOR HUMANITY, FILED JULY 1, 2006 IN BOOK 788 OF MAPS, PAGE 46, IN THE OFFICE OF THE SANTA CLARA COUNTY RECORDER.