

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 SNELL NO. 31, 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 detachment of certain territory from Central Fire Protection, and Area No. 01 (Library Services) County Service; 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 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 “**Snell No. 31**,” 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; 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 subject real property, comprising 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) is contiguous to the City of San José and is within the City's Urban Service Area; and

**WHEREAS**, annexation would provide for the use of City services; and

**WHEREAS**, this territory shall be automatically designated A Agricultural Zoning District upon its annexation to the City of San José in accordance with Section 20.120.310 of the Zoning Ordinance; and

**WHEREAS**, the City of San José is the Lead Agency for environmental review for the reorganization known as "**Snell No. 31**" under the California Environmental Quality Act of 1970, as amended ("CEQA"); and

**WHEREAS**, the environmental impacts of this project were addressed by a Final Environmental Impact Report (EIR) prepared for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and a Supplemental Program EIR prepared for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 77617 on December 15, 2015, and Addenda thereto; 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 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 to the City, and

the City Council by this resolution is proposing the reorganization described in this Resolution; and

**WHEREAS**, as 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 resolution of application by a legislative body of an affected county making 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**, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: none; and

**WHEREAS**, the reason for the proposed annexation is as follows: (i) to allow for connection to city services such as water and sewer; (ii) to allow roadway safety improvements along Chynoweth Avenue and Snell Avenue to be constructed as a portion of the street right-of-way along the subject parcel within the County boundary; and (iii) would be brought into the City boundaries with the larger prior annexation of the adjacent Martial Cottle Park in 2013;

**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 pursuant to Sections 56757 and 56662 of the California Government Code and sets June 25, 2019 at 1:30 p.m., or thereafter 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 \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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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.

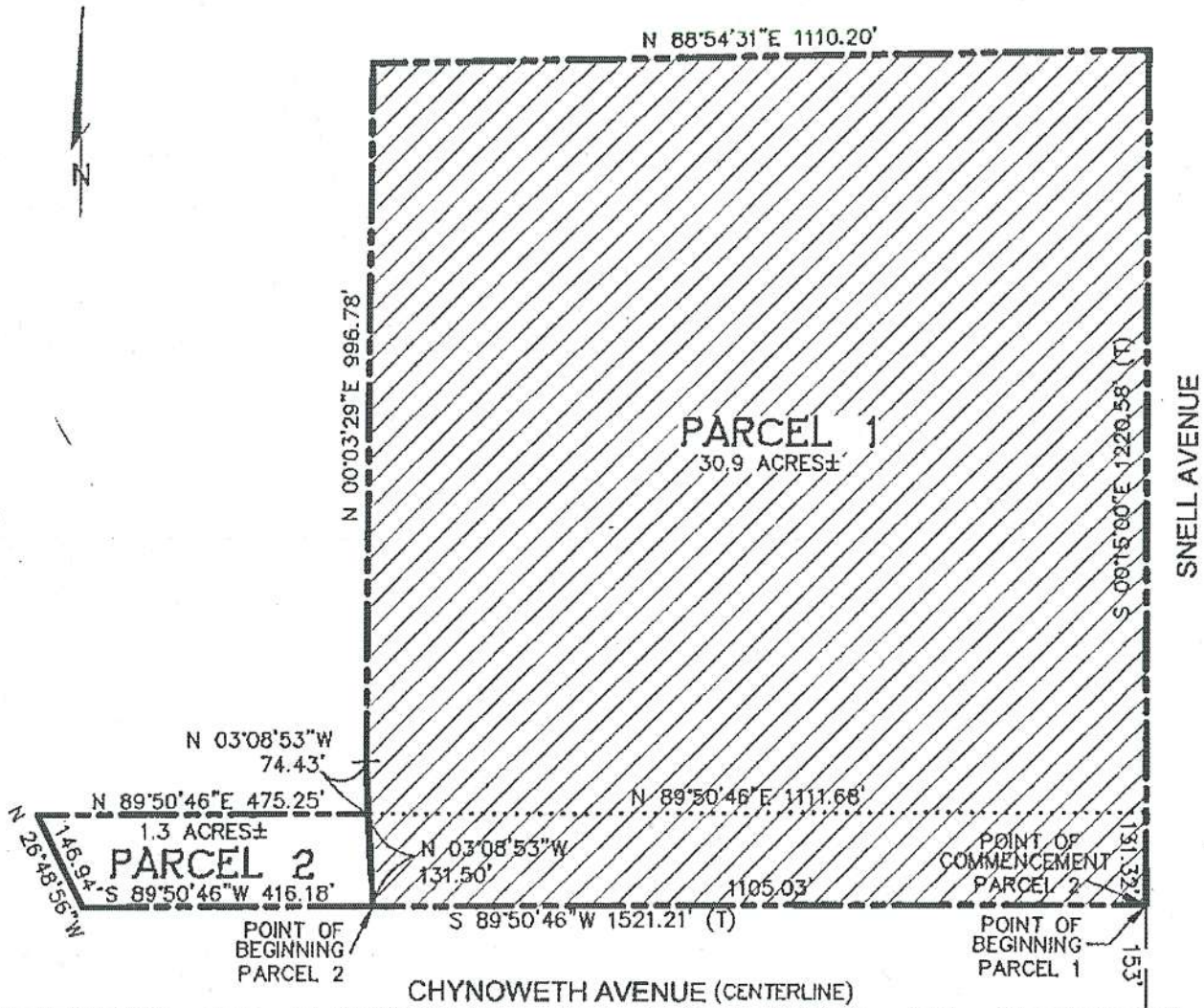
MARK THOMAS & COMPANY, INC.

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 THW	BY TOM H. MILO	FILE NO. #	
DATE 10/15/2003	L.S. NO. 6438 EXP. 12/31/06		
SCALE 1"=250'			