RESOLUTION NO. 58288

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
INITIATING AND ORDERING THE DETACHMENT FROM THE
CITY OF SAN JOSE OF CERTAIN UNINHABITED TERRITORY
DESIGNATED MCKINLEY NO. 101.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. Pursuant to the Municipal Organization Act, preliminary
proceedings were commenced before the Santa Clara County Local Agency
Formation Commission (hereinafter "Commission") by petitioner of not less than
five percent of the number of owners of land within the territory proposed for
detachment who also own five percent of the assessed value of land within the
territory as shown on the last equalized assessment roll.

2. The distinctive short form designation assigned by the Commission
to the territory proposed to be detached is: McKinley No. 101.

3. The territory proposed for detachment is uninhabited, as
determined by the Commission in its resolution making determinations approving
the proposal.

4. The Commission designated the Council of the City of San Jose as
conducting authority, and authorized such conducting authority to conduct the
detachment proceeding and to detach the territory by resolution without notice
and hearing, by reason that all owners of land within the territory give their
written consent to such detachment.

5. The terms and conditions of the detachment contained in the
Commission's resolution making determinations approving detachment from the
City of San Jose are:

  none
6. The reason(s) for the proposed detachment as set forth in the proposal thereof submitted to the Commission are: the property is tied up in MORG Island Annexation Litigation (McKinley No. 73-A). The property is proposed to be detached and annexed separately to allow the move-on of a single-family house.

7. The project is categorically exempt from the provisions of Section 21.08.320 (b) of the San Jose Municipal Code and Section 15319 (b) of CEQA.

8. The Council hereby orders that the territory designated McKinley No 101 is detached from the City of San Jose.

9. The exterior boundaries of the territory detached are all that real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the point of intersection of the City Limits line as established by City's Annexations McKinley No. 4 and McKinley No. 100; thence from said point of intersection northeasterly along the northwesterly boundary line of that certain parcel of land as described in that certain deed from Sell to Paul which was filed for record in the Office of the County Recorder, County of Santa Clara, California, in Book F 950 of Official Records at Page 41 leaving the City Limits line N 51° 35' E, 80.00 feet to the point of intersection with the northeasterly boundary line of said Paul Parcel; thence from said point of intersection northeasterly along said northeasterly boundary line S 38° 25' E, 95.00 feet to the point of intersection with the southeasterly boundary line of said Paul Parcel; thence from said point of intersection southeasterly along said southeasterly boundary line of
vote:

AYES: ALVARADO, BEALL, HAMMER, IANNI, LEWIS, PUTNAM, RYDEN, SAUSEDO, STABLE AND WILLIAMS

NOES: NONE

ABSENT: McENERY

ADOPTED this 30th day of April, 1985, by the following vote:

AYES: ALVARADO, BEALL, HAMMER, IANNI, LEWIS, PUTNAM, RYDEN, SAUSEDO, STABLE AND WILLIAMS

NOES: NONE

ABSENT: McENERY

Thomas McEnery, Mayor

ATTEST:

Andrea M. Pavone  Acting City Clerk

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