

HB

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE APPROVING THE ANNEXATION OF SIX
PARCELS LOCATED NEAR THE INTERSECTION OF
WOLFE ROAD, AT EL CAMINO REAL AND FREMONT
AVENUE, COMMONLY KNOWN AS "BUTCHER'S
CORNER" AND INCLUDING TWO CITY-OWNED
PARCELS**

WHEREAS, the Cortese Knox Hertzberg Government Reorganization Act of 2000 (Govt. Code §§56000 et seq.) creates countywide Local Agency Formation Commissions (LAFCO) to oversee local government territorial organization, prescribes the process for the annexation of unincorporated property into cities, and sets forth a streamlined process (Govt. Code §56375.3) for cities to annex certain unincorporated "island" pockets that are completely surrounded by a city's lands; and

WHEREAS, the City Council of the City of Sunnyvale desires to conduct proceedings pursuant to Section 56375.3 for the annexation of an unincorporated island to the City; and

WHEREAS, the island territory (the Property) that the City desires to annex, more particularly depicted on Exhibit "A" attached hereto and incorporated herein, is located within the unincorporated area of Santa Clara County near the intersection of Wolfe Road at El Camino Real and Fremont Avenue, and includes four parcels privately owned (commonly known as "Butcher's Corner") and two small parcels owned by the City of Sunnyvale, collectively designated by the County as "Parcel SV-03;" and

WHEREAS, the Property has a pre-zoning designation of R-3 and is consistent with the City's adopted General Plan. Pursuant to provisions of Section 56375(e) of the Act, the pre-zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council; and

WHEREAS, as provided in Government Code Section 56757, the City Council is the conducting authority for the annexation, and on August 27, 2013, the City Council held a duly noticed public hearing, considered a staff report and written and oral public testimony, and adopted Resolution No. 610-13 to initiate annexation of the Property; and

WHEREAS, the County Surveyor has found the attached Exhibit "A" map for the territory to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO's annexation policies; and

WHEREAS, the City Council has complied with the California Environmental Quality Act incident to its consideration of the annexation, as described below.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE
HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. The City Council finds that the annexation of this island is a Class 19 exempt project pursuant to Article 19 of the CEQA Guidelines (Guideline 15319). The parcels are developed, consistent with both the County zoning and the City's pre-zoning of the area.

SECTION 2. The City Council makes the following findings and determinations:

- a. The territory is less than 150 acres, is contiguous to and surrounded by the City and is within the City's urban service area and sphere of influence;
- b. Based on the facts that public utility services are available to the territory to be annexed, public improvements are present, and physical improvements are present upon the parcels making up the territory, the City Council finds and determines that the territory is substantially developed or is developing;
- c. The territory does not include prime agricultural lands;
- d. The territory will benefit from the annexation or is receiving benefits from the City;
- e. The annexation does not split lines of assessment or ownership and will not create islands or areas in which it would be difficult to provide municipal services;
- f. The territory meets all the requirements of Section 56375.3 and Section 56757 of the Act.

SECTION 3. The City Council of the City of Sunnyvale hereby approves annexation of the territory to the City of Sunnyvale and concurrent detachment of the territory from any special districts which territory is identified in Exhibit "A" attached hereto and incorporated herein by reference, effective _____, 2015.

Adopted by the City Council at a regular meeting held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

