

## **RESOLUTION NO. 18-\_\_**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO MAKING DETERMINATIONS AND APPROVING THE ANNEXATION OF TERRITORY DESIGNATED “CRESTON DRIVE 18-01”, PROPERTY LOCATED ON THE NORTH SIDE OF CRESTON DRIVE BETWEEN GROVELAND DRIVE AND ALDERNEY COURT; APPROXIMATELY 0.31 ACRE, SANEINEJAD AND MAHZOON (APN 326-12-089)**

WHEREAS, a petition for the annexation of certain territory to the City of Cupertino in the County of Santa Clara consisting of approximately 0.31 acre on the north side of Creston Drive between Groveland Drive and Alderney Court (APN 326-12-089) has been filed by property owners Saneinejad and Mahzoon; and

WHEREAS, said territory is uninhabited and all owners of land included in the proposal consent to this annexation; and

WHEREAS, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation to any city in Santa Clara County of unincorporated territory that is within the urban service area of the city if the annexation is initiated by resolution of the legislative body, and, therefore the City Council of the City of Cupertino is now the conducting authority for said annexation; and

WHEREAS, on September 18, 2018, the City Council adopted Resolution No. 18-093 initiating proceedings for annexation of the area designated “Creston Drive 18-01”; and

WHEREAS, Government Code Section 56662(a) provides that if a petition for annexation is signed by all owners of land within the affected territory the City Council may approve or disapprove the annexation without public hearing; and

WHEREAS, evidence was presented to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino as follows:

1. That it is the conducting authority pursuant to Section 56757 of the Government Code for the annexation of property designated “Creston Drive 18-01”, more particularly described in Exhibits "A" and “B”;
2. That the following findings are made by the City Council of the City of Cupertino:
  - a. That said territory is uninhabited and comprises approximately 0.31 acre.

- b. That the annexation is consistent with the orderly annexation of territory with the City's urban service area and is consistent with the City policy of annexing when providing City services.
  - c. The City of Cupertino, as the Lead Agency for environmental review determined that the annexation is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations, Section 15319.
  - d. The City Council on June 2, 1980, enacted an ordinance rezoning the subject territory to City of Cupertino R1-10 zone.
  - e. Annexation to the City of Cupertino will affect no changes in special districts.
  - f. That the territory is within the city urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
  - g. That the annexation is made subject to no terms and conditions.
  - h. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies.
  - i. That the proposed annexation does not create islands or areas in which it would be difficult to provide municipal services.
  - j. That the proposed annexation does not split line of assessment of ownership.
  - k. That the proposed annexation is consistent with the City's General Plan.
  - l. That the City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's urban service area.
  - m. That the territory to be annexed is contiguous to existing City limits under provisions of the Government Code.
- 3. That an affected agency has not submitted written demand for notice and hearing pursuant to Government Code Section 56662(c).
  - 4. That said annexation is hereby ordered without notice, public hearing or election pursuant to Section 56662 et seq. of the Government Code.

5. That the Clerk of the City Council of the City of Cupertino is directed to give notice of said annexation as prescribed by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 2nd day of October 2018, by the following vote:

Vote                      Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Cupertino

**EXHIBIT "A"**  
**CRESTON DR. 18-01**  
**ANNEXATION TO THE CITY OF CUPERTINO**

**GEOGRAPHIC DESCRIPTION**

All that real property situated in Santa Clara County, California, being all of Lot 15 as shown upon that certain subdivision map entitled "Tract No. 1180 Creston", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on August 18, 1953 in Book 44 of Maps at Page 53, being a portion of the San Antonio Rancho, and more particularly described as follows:

**BEGINNING** at the most Westerly corner of said Lot, said point also lies on the Northeasterly Right of Way line of Creston Drive, 60.00 feet in width;

- (1) Thence leaving said Right of Way North 49°27'00" East, 183.95 feet to the most Northerly corner of said Lot, same point also lies on the existing Cupertino City limits established by "Homestead No. 3-C-Revised" annexation;

Thence along said City limits the following two (2) courses:

- (2) South 35°54'00" East, 74.51 feet;
- (3) South 42°49'00" East, 0.74 feet to the most Easterly corner of said Lot;
- (4) Thence leaving said City limits South 49°27'00" West, 177.94 feet to the most Southerly corner of said Lot and Northeasterly Right of Way of said Creston Drive;
- (5) Thence along said Northeasterly Right of Way line North 40°33'00" West, 75.00 feet to the Point of **BEGINNING**.

Containing an area of 0.311 Acre, more or less.

**As shown on Exhibit "B" attached hereto and made a part hereof.**

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

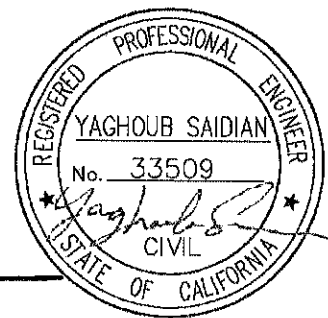
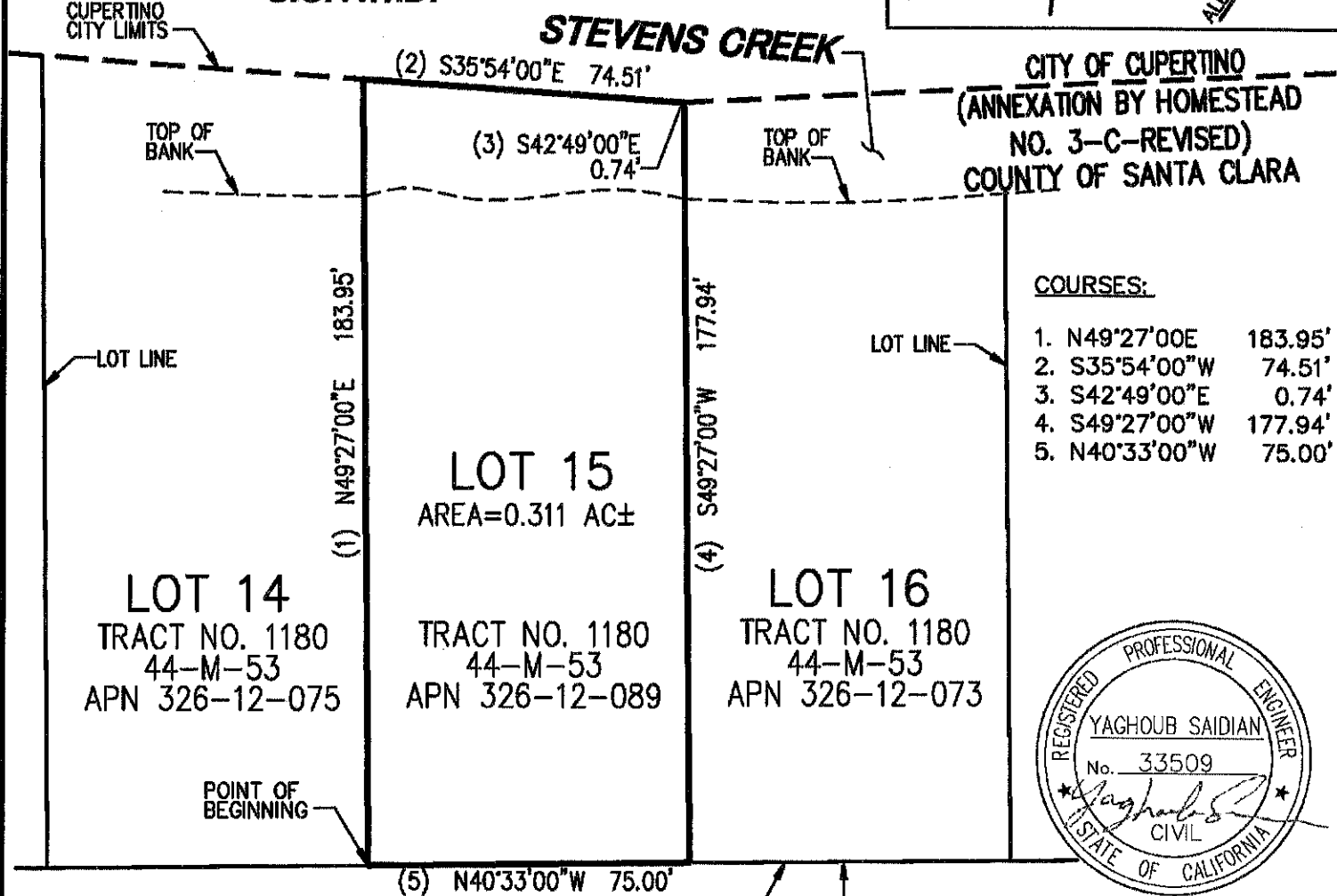
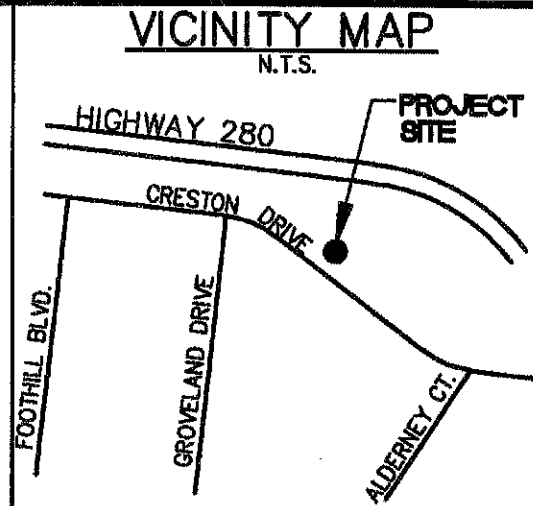
  
Yaghoub Saidian, R.C.E. No. 33509



6-21-2018  
Date  
8-08-2018  
Revision Date

# EXHIBIT "B" PROPOSED ANNEXATION TO CITY OF CUPERTINO CRESTON DR. 18-01 PORTION OF THE SAN ANTONIO RANCHO

LANDS OF  
 S.C.V.W.D.



## LEGEND

- PROPOSED ANNEXATION LIMITS
- LOT LINE
- CUPERTINO CITY LIMITS

DISCLAIMER:  
 FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND  
 IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE  
 SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS  
 FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

**CRESTON DRIVE**  
 (60')



( IN FEET )  
 1 INCH = 40 FT.

## ADVANCED DEVELOPMENT

2933 BENJAMIN COURT  
 SAN JOSE, CALIFORNIA 95124  
 (408) 891-1689

APN 326-12-089

SCALE: 1"=40'	JOB NO.: 408
DATE: JUNE 21, 2018	INDEX: CUPERTINO
DRAWN: AG	REVISION DATE: 8-8-2018