

ORDINANCE NO. 2216, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF AN APPROXIMATELY 4.6 ACRE SITE LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE, SOUTHERLY OF DIANA AVENUE (ASSESSOR PARCEL NUMBERS 726-07-021; -023, -029, -089) FROM MO INDUSTRIAL OFFICE TO R-1 9,000 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1. ESTABLISHING R-1, 9000 ZONING DISTRICT** for an approximately 4.6-acre site located on the east side of Walnut Grove Drive, southerly of Diana Avenue for Zoning Amendment application ZA2016-005: Walnut Grove-Morgan Hill(APN 726-07-021; -023, -029, and -089).
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** There hereby is attached hereto as “Exhibit A” and made a part of this ordinance a legal description and map which gives the boundaries of the described parcel of land.
- SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 4.** The City Council of the City of Morgan Hill hereby finds, on the basis of the whole record before it, that the project site was reviewed as part of Master Environmental Impact Report for the 2001 General Plan update and has been found complete, correct, and in substantial compliance with the requirements of the California Environmental Quality Act. The Zoning Amendment complies with the General Plan as required by Government Code Section
- SECTION 5. SEVERABILITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 6. EFFECTIVE DATE; PUBLICATION.** This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this Ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 24TH DAY OF AUGUST 2016 AND WAS FINALLY ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 7TH DAY OF SEPTEMBER 2016 AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

DATE:

STEVE TATE, Mayor

ATTEST:

DATE:

IRMA TORREZ, City Clerk

Effective Date: October 7, 2016

∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2216, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 7th day of September 2016.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION FOR REZONING
LANDS OF HEALEY, McGETTIGAN,
LIGHT OF THE WORLD APOSTOLIC CHURCH,
DELUKE COMPANY AND DIANA STATES
BEING A PART OF ORDINANCE NO. _____, NEW SERIES
WALNUT GROVE & DIANA AVENUE, MORGAN HILL, CA**

PARCEL A

All that certain real property situated in the City of Morgan Hill, County of Santa Clara, State of California, bound on the east by the South Valley Freeway – U.S. 101, bound on the south by the northerly line of Parcel 3 as shown on that Parcel Map filed in Book 303 of Maps, at Page 54, on the west by Walnut Grove Drive and bound on the north by Diana Avenue including the following Parcels:

- Parcel 1, as said parcel is shown upon that certain Parcel Map filed for record on June 29, 1972 in Book 303 of Maps, at Page 54, excepting Parcel One as granted to the City of Morgan Hill, recorded August 10, 2006, as Document Number 19056635.
- Lot 23, as said lot is shown upon that certain Tract Map No. 8494 titled "Diana Estates – Phase 2", filed for record on December 24, 1991 in Book 633 of Maps, at Pages 12 through 14
- Those Parcels described as Parcel 21 and Parcel 23 in Exhibits "A" and "B" in that certain Stipulated Judgement filed for record on November 12, 2009, in Document Number 20504866
- That portion of Diana Avenue described in the Quitclaim Deed from the City of Morgan Hill to The Light of the World Apostolic Church of San Jose, recorded October 5, 2006 as Document Number 19132844

Being more particularly described as follows:

BEGINNING at a point in the southwesterly line of the South Valley Freeway, U.S. 101 as acquired by Director's Deed recorded August 14, 1971 in Book 9291 of Official Records, Page 465, said point being at the northernmost corner of said Parcel 3 shown on that Parcel Map filed in Book 303 of Maps, at Page 54; Thence along the northerly line of said Parcel 3 South 64°31'00" West, a distance of 223.47 feet to the west line of Walnut Grove Drive as granted to the City of Morgan Hill recorded May 27, 1992, as Document Number 11378827; Thence along the easterly line of Walnut Grove Drive the following 11 (eleven) courses:

1. Along a curve to the right from a radial bearing of South 64° 31' 03" West, having a radius of 20.00 feet, through a central angle of 43°41'27", for an arc length of 15.25 feet to a point of reverse curvature;
2. Thence along a curve to the left having a radius of 45.00 feet, through a central angle of 87°22'54", for an arc length of 68.63 feet to a point of reverse curvature
3. Thence along a curve to the right having a radius of 20.00 feet, through a central angle of 43°41'27", an arc length of 15.25 feet;
4. Thence North 25°29'00" West, a distance of 407.66 feet to a point in the southerly line of Parcel 1 as shown on that Parcel Map thereof filed in Book 303 of Maps at Page 54;
5. Thence continuing along said easterly line of Walnut Grove Drive South 64°31'00" West, a distance of 1.00 foot to the most southerly corner of said Parcel 1;

6. Thence continuing along said easterly line of Walnut Grove Drive North 25°29'00" West, a distance of 106.36 feet; to the southernmost corner of said Parcel described as Parcel 23 in Exhibit "B" in that certain Stipulated Judgement filed for record on November 12, 2009, in Document Number 20504866;
7. Thence continuing along said easterly line of Walnut Grove Drive along a tangent curve to the left having a radius of 336.00 feet, through a central angle of 14°43'08", an arc length of 86.32 feet;
8. Thence North 44°37'00" West, a distance of 53.20 feet to the southernmost corner of said Lot 23 as shown on that map thereof filed in Book 633 of Maps, at Page 14;
9. Thence continuing along said easterly line of Walnut Grove Drive North 44°37'00" West, a distance of 21.04 feet;
10. Thence along a curve to the right having a radius of 20.00 feet, through a central angle of 72°16'02", for an arc length of 25.23 feet;
11. Thence North 25°29'00" West, a distance of 4.19 feet to a point in the southeasterly line of Diana Avenue;

Thence along said southeasterly line of Diana Avenue North 45°23'00" East, a distance of 64.28 to the westernmost corner of Parcel One, as said parcel is described in that certain Grant of Street Right-Of-Way filed for record on August 10, 2006, as Document Number 19056635; Thence along said Parcel One the following 4 (four) courses:

1. North 59°07'17" East, a distance of 7.24 feet;
2. Thence along a curve to the left having a radius of 80.87 feet, through a central angle of 22°15'58", an arc length of 31.43 feet to a point of reverse curvature;
3. Thence along a curve to the right having a radius of 14.00 feet, through a central angle of 24°35'57", for an arc length of 6.01 feet to a point of reverse curvature;
4. Thence along a curve to the left having a radius of 16.00 feet, through a central angle of 58°19'30", an arc length of 16.29 feet to a point on said southeasterly line of Diana Avenue;

Thence along said southeasterly line North 45°23'00" East, a distance of 5.00 feet to the westernmost corner of said portion of Diana Avenue Quitclaimed by Document Number 19132844; Thence along said portion of Diana Avenue Quitclaimed along a curve to the left from a radial bearing of South 71° 30' 17" East, having a radius of 74.00 feet, through a central angle of 36°37'41", for an arc length of 47.31 feet to the northwesterly line of said Quitclaim; Thence along said northwesterly line North 45°23'00" East, a distance of 118.39 feet to the easterly line of said Quitclaim: Thence along said easterly line a curve to the right from a radial bearing of South 44°23'36" West, having a radius of 42.00 feet, through a central angle of 11°56'45", for an arc length of 8.76 feet to a point in the said southwesterly line of the South Valley Freeway, U.S. 101 as shown on said Parcel Map filed in Book 303 of Maps, Page 54; Thence along said southwesterly line of the South Valley Freeway, U.S. 101 the following 4 (four) courses;

1. Along a curve to the right from a radial bearing of North 57° 57' 44" East, having a radius of 7381.00 feet, through a central angle of 2° 37' 16", for an arc length of 337.66 feet to a point of non-tangency;
2. Thence along a curve to the right from a radial bearing of South 65° 23' 55" West, having a radius of 7447.00 feet, through a central angle of 0° 29' 57" for an arc length of 64.88 feet to the easternmost corner of Parcel 1 as shown on said Parcel Map filed in Book 303 of Maps, Page 54;
3. Thence continuing along said curve to the right from a radial bearing of North 65° 54' 15" East, having a radius of 7447.00 feet, through a central angle of 2° 12' 55", for an arc length of 287.93 feet;
4. Thence South 21° 53' 00" East, 210.59 feet to the **POINT OF BEGINNING**.

Containing 4.76 acres more or less.

END OF DESCRIPTION.

See Exhibit "B" attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.



Allen T. Andrade, P.L.S. 7741
Expires: 12/31/2017



Date

Prepared by the firm of MH engineering Company, Morgan Hill, CA

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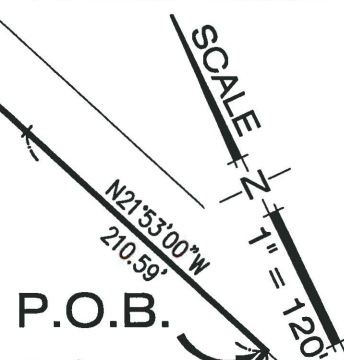
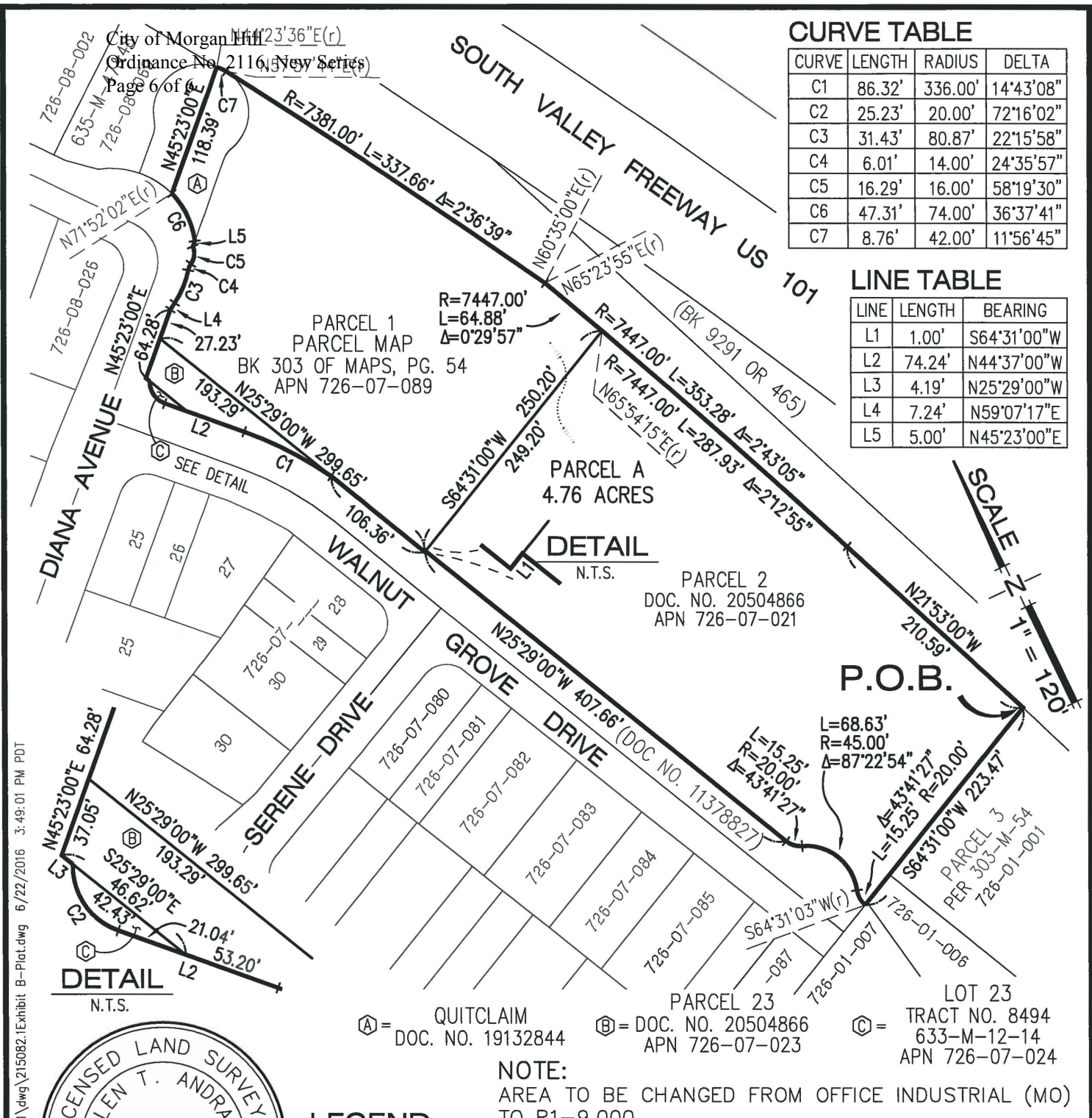


CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	86.32'	336.00'	14°43'08"
C2	25.23'	20.00'	72°16'02"
C3	31.43'	80.87'	22°15'58"
C4	6.01'	14.00'	24°35'57"
C5	16.29'	16.00'	58°19'30"
C6	47.31'	74.00'	36°37'41"
C7	8.76'	42.00'	11°56'45"

LINE TABLE

LINE	LENGTH	BEARING
L1	1.00'	S64°31'00"W
L2	74.24'	N44°37'00"W
L3	4.19'	N25°29'00"W
L4	7.24'	N59°07'17"E
L5	5.00'	N45°23'00"E



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- Ⓐ = QUITCLAIM DOC. NO. 19132844
- Ⓑ = DOC. NO. 20504866 APN 726-07-023
- Ⓒ = TRACT NO. 8494 633-M-12-14 APN 726-07-024

NOTE:
AREA TO BE CHANGED FROM OFFICE INDUSTRIAL (MO) TO R1-9,000

LEGEND

APN	ASSESSOR'S PARCEL NUMBER	EXISTING RIGHT-OF-WAY LINE
BK	BOOK	EXISTING PROPERTY LINE
DOC. NO.	DOCUMENT NUMBER	REZONING AREA
N.T.S.	NOT TO SCALE	
OR	OFFICIAL RECORD	
P.O.B.	POINT OF BEGINNING	

EXHIBIT "B"

PLAT TO ACCOMPANY
LEGAL DESCRIPTION FOR REZONING

SANTA CLARA COUNTY, STATE OF CALIFORNIA



16075 Vineyard Boulevard
Morgan Hill, CA 95037

DRAWN BY: MM
JUNE 22, 2016

215082.1
SHEET 1 OF 1