

ORDINANCE NO 1952, NEW SERIES

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORGAN HILL APPROVING TO AMEND
THE ZONING DESIGNATION FROM PUBLIC
FACILITIES TO R-1 7,000, SINGLE FAMILY
MEDIUM DENSITY OF A 30-ACRE SITE BETWEEN
HALE AVENUE AND MONTEREY ROAD (APN 764-
09-012)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY
ORDAINS AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment application, ZA-06-18: Hale – Signature Properties is consistent with the General Plan, with adoption of the related General Plan Amendment application, GPA-06-06: Hale – Signature Properties.
- SECTION 2.** 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 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 3.** The City Council has considered the proposed mitigated negative declaration for ZA-06-18: Hale – Signature Properties, together with any comments received during the public review period as noticed on August 4, 2009. On the basis of the whole record including the initial study and any comments received, the City Council finds that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis. The City Council hereby adopts the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- SECTION 4.** The City Council hereby approves an amendment to the zoning designation of a 30-acre parcel from PF, Public Facilities to R-1 7,000, Single-Family Medium Density. There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Map Showing Rezoning – Lands of McKelvy Property LP" being a part of Ordinance No.1952, New Series, which gives the boundaries of the described parcel of land (Exhibit A).
- SECTION 5.** There hereby is attached hereto and made a part of this ordinance a legal description which gives the boundaries of the described parcel of land (Exhibit

B).

SECTION 6. 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 7. 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 meeting of the City Council held on the 23rd day of September 2009 and was finally adopted at a meeting of the City Council held on the 7th day of October 2009, and said Ordinance was duly passed and adopted in accordance with the law by the following vote:

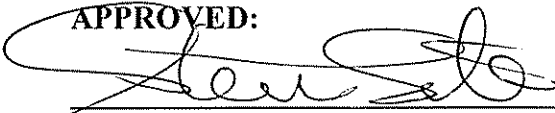
AYES:	COUNCILMEMBERS:	Carr, Lee, Librers, Sellers, Tate
NOES:	COUNCILMEMBERS:	
ABSTAIN:	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	

ATTEST:

for 

Irma Torrez, City Clerk

APPROVED:



Steve Tate, Mayor

CERTIFICATION

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.1952, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 7th day of October 2009.

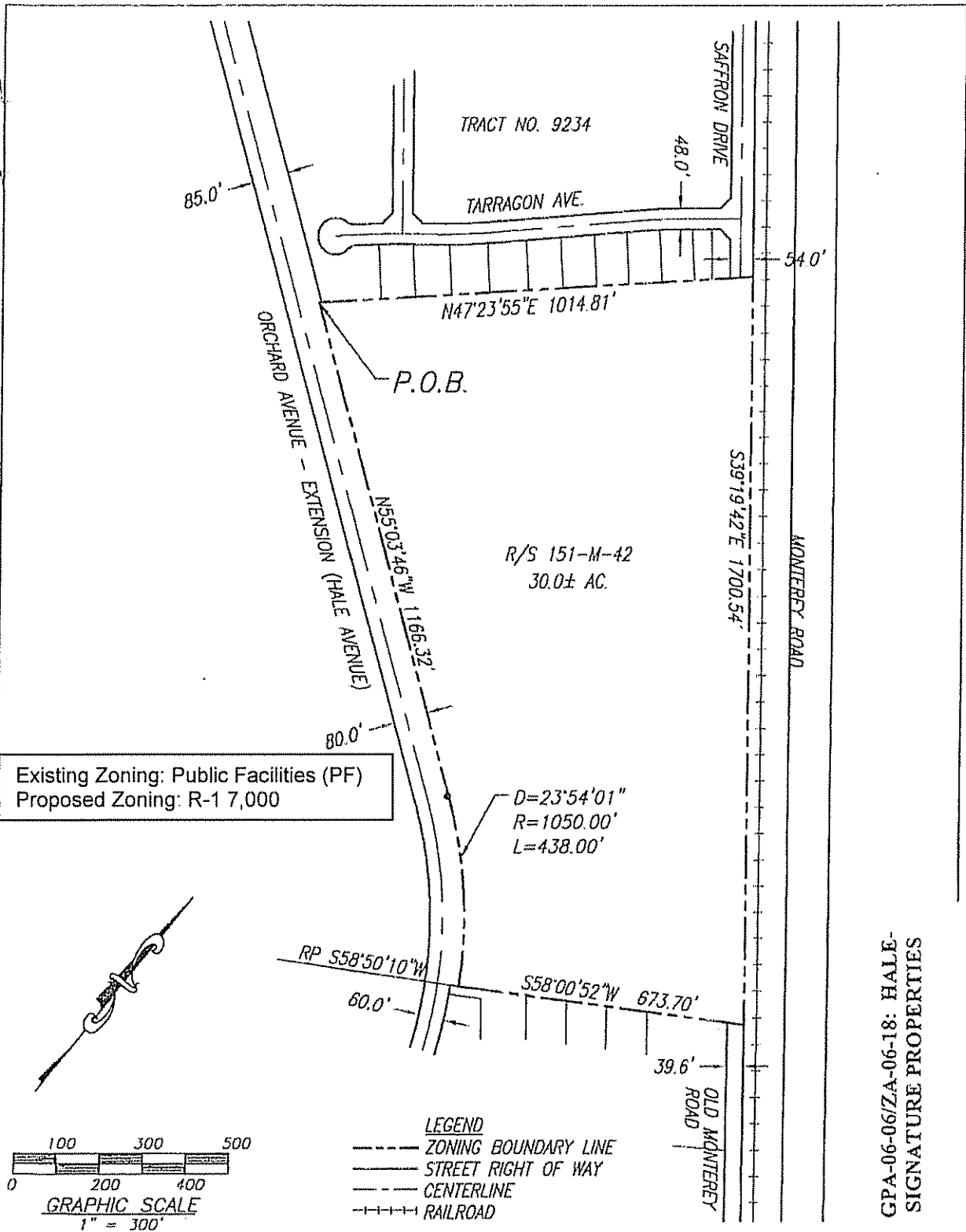
WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: October 13, 2009


for **Irma Torrez, City Clerk**

Effective: November 6, 2009

EXHIBIT A



GPA-06-06/ZA-06-18: HALE-
SIGNATURE PROPERTIES

MAP SHOWING REZONING
LANDS OF MCKELVY PROPERTY LP
BEING A PART OF
ORDINANCE NO. _____, NEW SERIES
ADN 784 00 012 MORGAN HILL CA

DATE: OCT 24, 2006
SCALE: 1" = 300'
DRAWN BY: MHF
CHECKED BY:
JOB NO: 1728P11

Charles W. Davidson Co.
A CALIFORNIA CORPORATION
CONSULTING CIVIL ENGINEERS
255 W. JULIAN ST. #200, SAN JOSE, CA
PH (408) 295-9162
RCE NO

EXHIBIT B

**LEGAL DESCRIPTION
SHOWING REZONING
LANDS OF MCKELVY PROPERTY LP
BEING A PART OF
ORDINANCE NO. 1952,NS, NEW SERIES
MONTEREY RD. 740'± NORTH OF CURRY AVE.
MORGAN HILL, CALIFORNIA**

Beginning at the most westerly corner of the parcel as shown on that certain Record of Survey recorded in Book 151 of Maps at Page 42, Santa Clara County Records, said corner being a point on the easterly right of way line of Orchard Avenue - Extension (Hale Avenue); thence North 47°23'55" East 1,014.81 feet; thence South 39°19'42" East 1,700.54 feet; thence South 58°00'52" West 673.70 feet to said easterly right of way line of Orchard Avenue - Extension (Hale Avenue) and the beginning of a non-tangent curve; thence along said easterly right of way line of Orchard Avenue - Extension (Hale Avenue) on a curve the left the radial point of which bears South 58°50'10" West through a central angle of 23°54'01" having a radius of 1,050.00 feet, an arc distance of 438.00 feet; thence North 55°03'46" West 1,166.32 feet to the Point of Beginning.

Containing an area of 30.0± acres.