



**CITY OF SAN JOSE**

Planning, Building and Code Enforcement  
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**PETITION FOR CANCELLATION OF CONTRACT**  
**Relating to Land in the City of San José under Land Conservation Contract**  
**(Williamson Act Cancellation)**

**TO BE COMPLETED BY APPLICANT**  
PLEASE FILL THE BLANKS COMPLETELY

**TO THE HONORABLE CITY COUNCIL OF CITY OF SAN JOSÉ:**

Pursuant to the California Land Conservation Act of 1965 (hereafter "law") the undersigned respectfully represent the following:

1. **LAND.** The undersigned constitute all of the present owners of the land whose legal description is set forth in Exhibit A attached to this petition and is hereby incorporated herein by reference.
2. **MAP.** A map showing the size and location of said lands and its relationship to adjoining parcels is set forth on Exhibit B attached to this petition and is hereby incorporated herein by reference.
3. **CONTRACT.** A Land Conservation Contract has heretofore been entered into between (Names of Contract Holders)

\_\_\_\_\_

\_\_\_\_\_

and (City or County of) \_\_\_\_\_. The Contract was recorded in the Office of the Recorder of Santa Clara County on \_\_\_\_/\_\_\_\_/\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_; land described in No. 1 is all or part of that land subject to such Contract.

4. **CANCEL CONTRACT.** The undersigned hereby request that the Council of the City of San Jose approve cancellation of the Contract as to the land described in No. 1 above. The undersigned represents that such cancellation is:

- \_\_\_\_\_ a) consistent or with the purposes of the Williamson Act (Section 51282(a) of the Government Code); or
- \_\_\_\_\_ b) that such cancellation is in the public interest (Section 51282(b) of the Government Code).

By reason of the facts, circumstances and conditions set forth in Exhibit C attached to this petition and incorporated herein by reference as though set forth at length.

5. **DATE PROPERTY WAS ANNEXED TO THE CITY OF SAN JOSÉ:** \_\_\_\_\_

Wherefore, the undersigned hereby request that the above matter be heard and that the Council take action thereon as provided by Law.

The undersigned, each for himself and not the other, does hereby declare that the above is true and correct under penalty of perjury.

Executed on \_\_\_\_\_

Print full name, mailing address and daytime phone number:

Signature(s)

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT C

## REASONS FOR CANCELLATION

Government Code (GC) 51282. The landowner may petition the City Council for cancellation of any contract as to all or any part of the subject land. The City Council may approve the cancellation of a contract only if they find:

- I. That the cancellation is consistent with the purposes of the Williamson Act (Section 51202(a) of the G.C.); OR
  - II. That cancellation is in the public interest (Section 51282(b) of the G.C.)
- 

- I. If an applicant elects to proceed to cancel a contract under Section 51282(a) of the G.C., a detailed written report is required containing substantial evidence to establish why cancellation of the contract is consistent with the purposes of the Williamson Act (see Appendix A – Legislative Findings, Government Code 51220, attached to this form).

It should be noted here that for the purposes of this paragraph cancellation of a contract shall be consistent with the purposes of the Williamson Act only if the Council makes the following findings based upon the applicant's submittal of adequate information demonstrating:

- A. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245. Provide a dated copy of the Notice of Nonrenewal previously served by the applicant or by the County or City on the restricted land.
- B. That the cancellation will not result in the removal of adjacent lands from agricultural use.
- C. That the cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.
- D. That the cancellation will not result in discontinuous patterns of urban development.
- E. That there is no non-contracted vacant land within one mile of the subject property which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land. The term "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted land may be single parcel or may be a combination of contiguous or discontinuous parcels.

In support of, and/or addition to, the above findings the application must provide the following information:

- F. Provide a description of the proposed alternative use for the subject property land uses Such information should include a breakdown of the proposed land uses (e.g., residential, commercial, industrial, open space, etc.); projected number of dwelling units, employees, or population per acre; relationship of the proposal to existing planned uses of surrounding properties; and any conceptual or preliminary plans relative to the proposal.
- G. Describe the current use of the property. Demonstrate that no reasonable alternative agricultural use or uses would render such property economically viable. (It is desirable to have a comprehensive report prepared by an agricultural consultant to substantiate the submittal).
- H. Provide a list of government agencies known by the landowner to have permit authority related to the proposed use.
- I. Provide a mailing list of Williamson Act contract holders within one mile of the exterior boundary of the land upon which the contract is proposed to be cancelled.

- II. If an applicant elects to proceed to cancel a contract under Section 51282(b) of the G.C., a detailed written report is required containing substantial evidence to establish why cancellation of a contract is in the public interest. It should be noted here that for the purposes of this paragraph cancellation of a contract shall be in the public interest only if the Council makes the following findings based upon the applicant's submittal of adequate information demonstrating:
- A. That the public concerns substantially outweigh the objectives of the Williamson Act; and
  - B. That there is a non-contracted vacant land within one mile of the subject property, which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land. The term "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to the Williamson Act. Such non-restricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels.

In support of, and/or in addition to, the above findings the applicant must provide the following information:

- C. Provide a description of the proposed alternative use for the subject property. Such information should include a breakdown of the proposed land uses (e.g., residential, commercial, industrial, open space, etc.); projected number of dwelling units, employees, or population per acre; relationship of the proposal to existing planned uses of surrounding properties; and any conceptual or preliminary plans relative to the proposal.
- D. Describe the current use of the property. Demonstrate that no reasonable alternative agricultural use or uses would render such property economically viable. (It is desirable to have a comprehensive report prepared by an agricultural consultant to substantiate the submittal.)
- E. Provide a list of government agencies known to have permit authority related to the proposed use.
- F. Provide a mailing list of Williamson Act contract holders within one mile of the exterior boundary of the land upon which the contract is proposed to be cancelled.

**CANCELLATION – A LAND CONSERVATION (WILLIAMSON ACT) CONTRACT  
INFORMATIONAL SHEET**

- A. This packet contains two options for cancellation of a Williamson Act Contract. They are lettered I and II, and are explained in Exhibit C beginning page 3.
- B. The application should submit an original and three copies of the completed application. An application must contain at least the following information:
1. Completed title sheets (cover sheets) including the signatures of the landowner(s). Signatures must be consistent with ownership shown on title report (#5 below).
  2. Legible and reproducible copy of legal description (Exhibit A). Include Assessor's parcel number and acreage.
  3. Map (Exhibit B) showing size and location of land and adjacent parcels.
  4. Exhibit C (complete the requirements for either Option I or II.).
  5. A copy of the Land Conservation (Williamson Act) Contract to be cancelled.
  6. Copy of a Title or Preliminary Report, which is no more than six months old, showing ownership by applicant.

**A processing fee** is required for each contract. (Please consult the "Application Filing Fee Schedule" for the current fee). In addition to the processing fee, a cancellation fee, computed under Sections 51283 and 51283.1 of the Government Code, is also required.

**Tentative Approval/Final Approval Process.** Upon review of petitions processed under either Option I or II of Exhibit C, the City Council may grant tentative approval of the petition and cause a Certificate of Tentative Cancellation to be recorded in the County of Santa Clara. The Certificate of Tentative Cancellation shall contain the fact that a Certificate and Notice of Cancellation will be issued and recorded at such time as all specific conditions and contingencies are satisfied. Conditions to be satisfied shall include payment in full of the amount of the fees computed under the provisions of Section 51283 and 51283.1. Contingencies to be satisfied shall include a requirement that the landowner obtain all permits necessary to commence the project.

The landowner shall notify the Director of Planning when he has satisfied the conditions and contingencies enumerated in the Certificate of Tentative Cancellation. Within 30 days of the receipt of such notice, the Director of Planning will present to the Council evidence of determination that the conditions and contingencies have been satisfied. The Council, upon approval, shall execute a Certificate and Notice Cancellation of Contract and cause the same to be recorded.

In extremely rare instances, it is possible to request and be granted a waiver and deferral of fees subject to approval by the Secretary of the Resources Agency. Refer to Government Code Section 51283 for specifics.