RD:KMM:RPH
11/13/2008

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN DETERMINATIONS REGARDING THE EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS IN THE GUADALUPE-AUZERAIS REDEVELOPMENT PROJECT AREA

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency, with the consent of the legislative body, to pay for the costs of certain public improvements if the legislative body determines that: 1) the public improvements benefit the project area; 2) no other reasonable means of financing the improvements are available to the community, and 3) payment for the improvements will assist in the elimination of blight in the project area and is consistent with the implementation plan; and

WHEREAS, the Council has received and considered that certain memorandum entitled "Determinations Regarding Funds Transferred to the City for Public Improvement Project" from the Project Manager of the Redevelopment Agency of the City of San José to the City's Capital Budget Coordinator, dated October 31, 2008 which includes a discussion of certain public improvements in the Guadalupe-Auzerais Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Project Area was created pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Sections 33000, *et. seq.*) and the adoption of a redevelopment plan; and

WHEREAS, in connection with the adoption of the redevelopment plan, the Redevelopment Agency has determined that blighting conditions exist within the Project Area and that the implementation of various public improvements is an element of the redevelopment plan; and

WHEREAS, the implementation plan for the Project Area includes replacing the broken boiler with a modern, more efficient system; and

WHEREAS, the improvements referenced in the October 31, 2008 Memorandum are intended to accomplish the goal of eliminating blight within the Project Area by removing the existing boiler and installing a new boiler and associated piping and pump at the Children's Discovery Museum; and

WHEREAS, the City's capital budget does not include funding for these public improvements and there are no other reasonable means of financing the project;

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NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

A. The City Council hereby determines, based upon the information contained in the Memorandum from the Project Manager dated October 31, 2008 that Redevelopment Agency funding of the removal of the existing boiler and installation of a new boiler and associated piping and pump at the Children's Discovery Museum in the Guadalupe-Auzerais Redevelopment Project Area:

1. Will benefit the impacted Redevelopment Project Area; and
2. Cannot be reasonably funded by other means; and
3. Will assist in the elimination of blight in the Project Area by replacing the broken boiler with a modern, more efficient system; and
4. Is consistent with the implementation plan for the Project Area.

B. The City Council hereby consents to the Redevelopment Agency's funding of those public improvements.

ADOPTED this 2nd day of December 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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