

RESOLUTION NO. 73031

**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 CENTURY CENTER  
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 Program Manager of the Redevelopment Agency of the City of San José to the City’s Principal Budget Analyst, dated November 22, 2005, which includes a discussion of certain public improvements in the Century Center 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 various streetscape improvements; and

**WHEREAS**, the improvements referenced in the November 22, 2005 Memorandum are intended to accomplish the goal of eliminating blight within the affected Project Area by eliminating a storm drainage problem where water backs up over the sidewalk and by providing an enhanced sidewalk area for pedestrians; 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;

**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 Program Manager dated November 22, 2005, that Redevelopment Agency funding of the installation of new curb, gutter and sidewalk for a segment of South Fourth Street in the Century Center 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 eliminating a storm drainage problem and by providing an enhanced sidewalk area for pedestrians; 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 10th day of January, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, CMC  
City Clerk