

RESOLUTION NO. 73142

**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 UNIVERSITY,  
THIRTEENTH STREET, FIVE WOUNDS/BROOKWOOD  
TERRACE, AND SPARTAN/KEYES NEIGHBORHOODS IN THE  
STRONG NEIGHBORHOODS INITIATIVE 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 Neighborhood Team Manager of the Redevelopment Agency of the City of San José to the City’s Principal Budget Analyst, dated March 14, 2006, which includes a discussion of certain public improvements in the University, Thirteenth Street, Five Wounds/Brookwood Terrace, and Spartan/Keyes Neighborhoods in the Strong Neighborhoods Initiative 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 the enhancement of open space and recreational opportunities; and

**WHEREAS**, the improvements referenced in the March 14, 2006 Memorandum are intended to accomplish the goal of eliminating blight within the affected Project Area by enhancing the Project Area for pedestrian, bicycle and recreational users while upgrading the Area’s appearance by developing a quality creek trail for residents and making the Area a more desirable place to visit and live; 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 Neighborhood Team Manager dated March 14, 2006, that Redevelopment Agency funding of the master plan and environmental documents for the Coyote Creek Trail University, Thirteenth Street, Five Wounds/Brookwood Terrace, and Spartan/Keyes Neighborhoods of the Strong Neighborhoods Initiative 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 providing access to open space and recreational opportunities in the Project Area and upgrading the area's appearance; 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 2<sup>nd</sup> day of May, 2006, by the following vote:

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

NOES: NONE

ABSENT: GONZALES

DISQUALIFIED: NONE

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CINDY CHAVEZ  
Vice Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk