

RESOLUTION NO. 73480

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A PURCHASE AND SALE AGREEMENT WITH REZA BANIKAZEMI AND MEHRDAD JOHN SOLTANI FOR PROPERTIES AT 487 AND 499 CLIFTON STREET IN AN AMOUNT NOT TO EXCEED \$1,300,000 AND AN ESTIMATED \$30,000 IN CLOSING COSTS; AND MAKING CERTAIN DETERMINATIONS REGARDING THE EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS

WHEREAS, in order to meet neighborhood improvement challenges, the City of San José, the San Jose Redevelopment Agency and many of the residents of the Burbank/Del Monte Strong Neighborhoods Initiative (SNI) Area joined in a strategic planning process that established a shared vision for the area; and

WHEREAS, the Improvement Plan estimated the Burbank/Del Monte's 2000 population at 13,572, which yields a need for 47.5 acres of parkland. The three new parks recently completed (O'Connor Park, Cahill Park and Buena Vista Park) provide only 5.5 acres of parklands; and

WHEREAS, the site at Scott and Clifton provides three distinct advantages: 1) the site is in the middle of the Strong Neighborhood Initiative Area and can serve the greatest number of people, 2) the site is approximately 17,000 square feet with 260 feet of linear street frontage for surveillance required by the City and; 3) this site would require no displacement of families living on the site as it currently houses only a blighted building and structures made of iron sheets,

WHEREAS, the City desires to approve an agreement with Reza Banikazemi and Mehrdad John Soltani to purchase the site for parkland purposes ("Public Improvement");

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 Five-Year Implementation Plan adopted pursuant to California Health and Safety Code Section 33490; and

WHEREAS, the proposed Public Improvement is directly adjacent to and would primarily benefit the Strong Neighborhoods Initiative Redevelopment Project Area

("Project Area") by meeting the need for additional park space for the surrounding neighborhoods; and

WHEREAS, the Public Improvement will assist in eliminating blight within the Project Area by removing a vacant blighted house and corrugated iron structures and replacing them with a vibrant park use, contributing to the open space and beautification of the neighborhood; and

WHEREAS, the City's Capital Budget does not have sufficient funds to pay for the Public Improvement and there is no other reasonable means of financing the Public Improvement; and

WHEREAS, the Public Improvement is consistent with the Project Area's Five-Year Implementation Plan, which provides for infrastructure that encourages the attractive development of the residential area, addresses the need for increased recreational opportunities and increases the incentive for private investment; and

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

1. The Purchase and Sale Agreement with Reza Banikazemi and Mehrdad John Soltani, for the purchase of properties at 487 and 499 Clifton Avenue, San José, California (APN Nos. 277-12-051, 059, and 600), in an amount not to exceed \$1,300,000, is hereby approved.
2. The Director of Public Works is delegated the authority to execute all other documents necessary to complete the transaction.

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3. Determines that Agency funding of the Public Improvement:
- (1) benefits the Strong Neighborhoods Initiative Redevelopment Project Area;
 - (2) cannot be reasonably financed by other means available to the community;
 - (3) assists in the elimination of blight;
 - (4) is consistent with the adopted Five-Year Implementation Plan for the Project Area.

ADOPTED this 31st day of October, 2006, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk