

RESOLUTION NO. 73807

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE SALE OF THE PROJECT SITE LOCATED AT 1696 STORY ROAD AND 1101 SOUTH KING ROAD TO IMWALLE PROPERTIES, ACCEPTING THE 33433 SUMMARY REPORT AND RE-USE VALUATION, AND FINDING THAT THE SALE OF THE PROPERTY WILL ASSIST IN THE ELIMINATION OF BLIGHT, IS CONSISTENT WITH THE IMPLEMENTATION PLAN FOR THE STORY ROAD REDEVELOPMENT PROJECT AREA, AND THAT THE CONSIDERATION FOR THE PROPERTY IS NOT LESS THAN THE FAIR REUSE VALUE FOR THE PROPOSED USE, WITH THE COVENANTS AND CONDITIONS AND DEVELOPMENT COSTS AUTHORIZED BY THE DISPOSITION AND DEVELOPMENT AGREEMENT**

**WHEREAS**, the Redevelopment Agency of the City of San Jose ("Agency") is presently engaged in redevelopment activities in the Story Road Redevelopment Project Area ("Project Area"); and

**WHEREAS**, in March 2003 and February 2005, the Agency purchased two parcels located at 1696 Story Road and 1101 South King Road on the southwest corner of the intersection of King and Story Roads ("Site"); and

**WHEREAS**, on April 25, 2006, the Agency Board approved an Exclusive Negotiations Agreement with Imwalle Properties ("Imwalle") for the proposed sale and development of the Site; and

**WHEREAS**, Agency staff is recommending that the Agency Board approve a Disposition and Development Agreement ("DDA") with Imwalle for development of the Site for commercial use ("Project"); and

**WHEREAS**, Community Redevelopment Law provides in Section 33433 that (1) before any property acquired, in whole or in part, with tax increment monies is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the City Council, after a duly noticed public hearing of the City Council, and (2) the Agency shall make available for public inspection a copy of the proposed sale or lease and a summary which describes the financial aspects of the transaction; and

**WHEREAS**, a Summary Report has been prepared pursuant to Health & Safety Code Section 33433, containing a summary of the key terms of the Project, costs, and other information required by Section 33433, and said report and copies of the proposed DDA were made available to the public for inspection prior to the hearing, as required by Community Redevelopment Law; and

**WHEREAS**, notice of a joint public hearing by the City Council and the Agency Board on the proposed DDA has been duly published in accordance with the Community Redevelopment Law; and

**WHEREAS**, the joint public hearing of the Agency Board and the City Council was held on June 5, 2007.

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

1. The sale of the project site located at 1696 Story Road and 1101 South King Road to Imwalle Properties is approved.
2. The 33433 Summary Report and Re-Use Valuation is accepted, and the Council finds that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Story Road Redevelopment Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use,

with the covenants and conditions and development costs authorized by the Disposition and Development Agreement.

ADOPTED this 5<sup>th</sup> day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk