

RESOLUTION NO. 74187

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN DETERMINATIONS REQUIRED BY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33445, FOR AGENCY FUNDING OF PUBLIC IMPROVEMENTS AT THE O.B. WHALEY ELEMENTARY SCHOOL DISTRICT

WHEREAS, in 2001, the Council of the City of San Jose (“City”) approved the West Evergreen Neighborhood Improvement Plan, and the number three priority was to build new sports facilities, including outdoor fields for activities such as soccer and a skate park area in conjunction with the Meadowfair Park expansion; and

WHEREAS, in 2007, the Strong Neighborhoods capital budget was modified to include funding in support of a joint use agreement between the City, the Redevelopment Agency of the City of San Jose (“Agency”) and the Evergreen Elementary School District for improvements and use of recreation facilities on school grounds, including improvements at O.B. Whaley Elementary School; and

WHEREAS, the proposed improvements at O.B. Whaley Elementary School include renovation of the baseball diamond and fields, retaining wall, replacement of irrigation, bleachers, pathways, tree planting, benches, fences, drinking fountain, walking path and a par course (“Project”); and

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 Project benefits the Strong Neighborhoods Initiative Redevelopment Project Area because it meets the need for additional active recreational use for the surrounding neighborhood; and

WHEREAS, sufficient funds to pay for the entire Project is not included in the City's Capital Budget nor Evergreen Elementary School District's budget, and no other reasonable means of financing the Project is available, and no other source, public or private, has been identified to provide funds to accomplish this Project; and

WHEREAS, the Project will assist in the elimination of blight in the Strong Neighborhoods Initiative Redevelopment Project Area by making the neighborhood a more desirable place to live and encouraging further investments in the neighborhood; and

WHEREAS, the Project is consistent with the adopted implementation plan for the Strong Neighborhoods Initiative Redevelopment Project Area, which provides for improved community access to facilities such as sports playing fields, particularly for youth;

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

A. Determines that Agency funding of the Project:

- (1) benefits the Strong Neighborhoods Initiative Redevelopment Project Area;
- (2) cannot be reasonably financed by other means;
- (3) assists in the elimination of blight;
- (4) is consistent with the adopted implementation plan for the Strong Neighborhoods Initiative Redevelopment Project Area.

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B. Consents to the Agency's funding of the Project.

ADOPTED this 18th day of December, 2007, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk