

RESOLUTION NO. 74203

**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 CIVIC PLAZA
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 Property Management Officer of the Redevelopment Agency of the City of San José to the City’s Capital Budget Coordinator, dated December 10, 2007 which includes a discussion of certain public improvements in the Civic Plaza 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 improvements to poor site conditions, poor building conditions, site contamination, and parcels of irregular shape and form; and

WHEREAS, the improvements referenced in the December 10, 2007 Memorandum are intended to accomplish the goal of eliminating blight within the affected redevelopment area by grading, leveling, compacting, and sealing a vacant lot and installing new permanent fencing around the lot to provide an additional site for downtown events thus encouraging more economic activity in the area; 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 Assistant Director dated December 10, 2007, that Redevelopment Agency funding of site improvements to the vacant lot bounded by East Santa Clara Street, North 4th Street and North 5th Street in the Civic Plaza 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 an additional site for downtown events thus encouraging more economic activity in the area; 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 8th day of January, 2008, by the following vote:

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

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk