

**RESOLUTION NO. 74771**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ MAKING CERTAIN DETERMINATIONS REQUIRED BY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33445, FOR REDEVELOPMENT AGENCY FUNDING OF THE PUBLIC IMPROVEMENTS FOR THE WATSON PARK RESTORATION PROJECT (PHASE 1 CONSTRUCTION)**

**WHEREAS**, the City of San José (“City”) intended to use a parkland in-lieu fee payment in the amount of \$3,297,000 for the Watson Park Restoration Project (Phase 1 Construction) (“Project”), but the City entered into an agreement with the developer to defer the parkland payment; and

**WHEREAS**, the City will award the construction contract for the Project in late February 2009 and will need the \$3,297,000 to avoid any delays or negative impact on the Project’s schedule; 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 (“Project Area”) by restoring and enhancing an important park which provides additional open space and recreational opportunities to the community, thereby serving the redevelopment purpose of providing valuable recreational resources for the community; and

**WHEREAS**, no other reasonable means of financing the temporary Project funding shortfall is available as the City has no funds currently budgeted or otherwise identified to pay for the Project funding shortfall, and no other source, public or private, has been identified to provide funds to satisfy the Project shortfall; and

**WHEREAS**, the Project will assist in the elimination of blight by encouraging further investment in the Project Area neighborhoods and making them more desirable places to visit and live, by assisting the rehabilitation of deteriorated buildings and alleviating the existence of substandard structures, and by providing additional recreation facilities so that certain crimes related to gang activity should be reduced; and

**WHEREAS**, the Project is consistent with the adopted implementation plan for the Project Area, which identifies the goal of providing quality parks, community gardens and trail connections in the neighborhoods;

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

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.

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

ADOPTED this 27th day of January, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk