

RESOLUTION NO. 75062

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN JOSE AND THE EARTHQUAKES LLC FOR THE LEASE OF A 2.4 ACRE PRACTICE FIELD AS AN INTERIM USE ADJACENT TO THE PROPOSED SOCCER STADIUM SITE ON THE AIRPORT WEST PROPERTY LOCATED AT 1125 COLEMAN AVENUE

WHEREAS, on May 5, 2009 the City Council of the City of San José (“City Council”) approved the amended business terms for the development of the 74.8 acre Airport West Property Site located at 1125 Coleman Avenue with Coleman Airport Partners, FWSH LLC to include 50.5 acres of the Site to be developed with 1.5 million square feet of office and R&D space, approximately 95,000 square feet of retail development, and 300 hotel rooms, and the Earthquakes LLC for the development of the 14 acres of the Site to be developed for a professional soccer stadium for the Major League Soccer Professional Earthquakes team, and no obligation for either party to purchase the remaining 9.3 acres of the Site; and

WHEREAS, the Valley Transportation Authority (“VTA”) was considering the purchase of the 9.3 acre site for the future development of the Bay Area Rapid Transit (“BART”) to San José but has recently announced that due to the serious economic downturn and related anticipated decline of sales tax revenue forecasted in the future and the on-going challenge of raising operating funds, they propose a delay in the development of BART to San José until 2025 or later; and

WHEREAS, the Earthquakes LLC indicated an interest in the development of a 2.4 acre practice field for the Earthquakes soccer team on a portion of the 9.3 acre site adjacent to the proposed soccer stadium site; and

WHEREAS, the City desires to negotiate and execute a Memorandum of Understanding with the Earthquakes LLC for the lease of a 2.4 acre practice field as an interim use adjacent to the proposed soccer stadium site on the Airport West Property and return to Council with a proposed lease for Council approval;

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

The City Manager is hereby authorized to negotiate and execute a Memorandum of Understanding with the Earthquakes LLC for the lease of a 2.4 acre practice field as an interim use adjacent to the proposed soccer stadium site on the Airport West Property located at 1125 Coleman Avenue

ADOPTED this 23rd day of June, 2009, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk