

RESOLUTION NO. 75400

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ACCEPTING THE SUMMARY OF COSTS AND FINDINGS OF THE AMENDED SUMMARY 33433 REPORT AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 RELATED TO THE AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH BOSTON PROPERTIES LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF A THREE-BUILDING OFFICE COMPLEX AT ALMADEN BOULEVARD AND WOZ WAY

WHEREAS, the Redevelopment Agency of the City of San Jose ("Agency") is presently engaged in redevelopment activities in the Guadalupe-Auzerais Redevelopment Project Area ("Project Area"); and

WHEREAS, Agency staff recommends that the Agency enter into an Amended and Restated Disposition and Development Agreement ("DDA") with Boston Properties Limited Partnership ("Developer") for the construction of a three-building office complex at Almaden Boulevard and Woz Way ("Project"), revising the Schedule of Performance to, among other things, extend the date for commencement of the Project, and accelerate the date for close of escrow of the Agency owned property ("Property") to Developer for a revised purchase price of \$700,000; 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, an Amended Summary Report has been prepared pursuant to Health & Safety Code Section 33433, containing 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, the Section 33433 Summary Report concludes that the consideration for the Property is not less than the fair market value at its highest and best use in accordance with the Guadalupe-Auzerais Redevelopment Plan; and

WHEREAS, the proposed development of the Property will assist in the elimination of blight by strengthening the economic base of the Project Area, providing a catalyst for additional private investment, and stimulate the subsequent business license, utility, sales, and transient occupancy taxes; and

WHEREAS, the proposed development of the Property is consistent with the goal of the Five Year Implementation Plan to redevelop underdeveloped areas that are economically stagnant and/or underutilized; 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 8, 2010;

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

1. The summary of costs and findings of the Amended Summary Report pursuant to California Health and Safety Code Section 33433 are accepted; and

2. The consideration being paid to the Agency is not less than the fair market value at its highest and best use in accordance with the Guadalupe-Auzerais Redevelopment Plan; and
3. The project will assist in the elimination of blight and is consistent with the Agency's Implementation Plan for the Strong Neighborhoods Initiative Redevelopment Project Area.

ADOPTED this 8th day of June, 2010, 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