

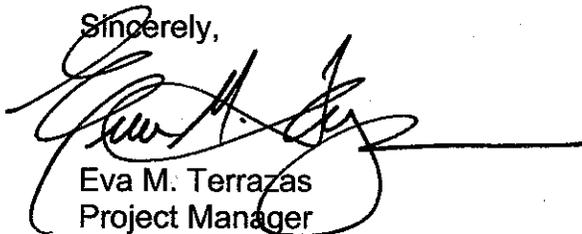
April 28, 2009

TO: 1. AUDITOR-CONTROLLER, ASSESSOR,
2. STATE BOARD OF EQUALIZATION, AND
3. POTENTIALLY AFFECTED TAXING AGENCIES,

Enclosed please find the following documents regarding the Strong Neighborhoods Initiative (SNI) Redevelopment Plan Amendment to removed Naglee Park from the Project Area, adopted by the City Council of the City of San Jose on March 24, 2009:

1. Statement of Proceedings, per California Health and Safety Code Section 33373;
2. Ordinance adopting the SNI Redevelopment Plan Amendment (No. 28522); and,
3. Legal description and map showing the Naglee Park boundaries.

Sincerely,



Eva M. Terrazas
Project Manager

ORDINANCE NO. 28522

**AN ORDINANCE OF THE CITY OF SAN JOSE ADOPTING
THE PROPOSED FIFTH AMENDMENT TO THE STRONG
NEIGHBORHOODS INITIATIVE PROJECT AREA
REDEVELOPMENT PLAN; AND MAKING CERTAIN
FINDINGS**

WHEREAS, on June 25, 2002, the Council of the City of San Jose ("City Council") and the Board of Directors of the Redevelopment Agency of the City of San Jose ("Agency Board") adopted the Strong Neighborhoods Initiative Redevelopment Project Area ("Project Area"); and

WHEREAS, pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*), the Agency has submitted to this Council for consideration a proposed Fifth Amendment to the Redevelopment Plan for the Project Area to exclude certain territory known as Naglee Park ("Fifth Amendment"); and

WHEREAS, the Agency has prepared and submitted to the Council a report accompanying the proposed Fifth Amendment prepared pursuant to Sections 33352 and 33457.1 of the Community Redevelopment Law ("Report to Council"), and this Council has reviewed and considered the Report to Council, which is incorporated herein by reference. Under separate resolution the Council has approved the Report to Council. The Report to Council has been made available to the public prior to the public hearing described below; and

WHEREAS, pursuant to the provisions of Title 21 of the Municipal Code, the Director of the City of San José Planning, Building, and Code Enforcement Department completed the review required under the California Environmental Quality Act ("CEQA") for the proposed Fifth Amendment. It was determined that, amongst other things, the

proposed Fifth Amendment does not warrant additional CEQA documentation beyond what has been previously prepared for the Redevelopment Plans for the San Jose Merged Redevelopment Project Area since the Fifth Amendment does not change the scope of any projects described within existing Redevelopment Plans nor commit to the implementation of any particular project. Moreover, the proposed Fifth Amendment would result in impacts less than those which were disclosed in the Project Area Program EIR in that the planned redevelopment activities for Naglee Park would no longer be implemented and the associated environmental impacts from construction and operation of the redevelopment activities would not occur. A copy of the environmental determination prepared in connection with the City of San Jose Planning, Building, and Code Enforcement Department's review is attached to the Accompanying Report as Attachment C; and

WHEREAS, on February 11, 2009, the City of San Jose's Planning Commission determined that the Fifth Amendment is consistent with the San Jose 2020 General Plan; and

WHEREAS, Community Redevelopment Law requires that this Council consider the Fifth Amendment at a public hearing, which may be a joint public hearing with the Board of Directors of the Agency; and

WHEREAS, the Agency caused notice of joint public hearing to be published, and mailed to those required recipients as set forth in Health and Safety Code section 33452, in form and substance and within the time and manner prescribed by Community Redevelopment Law, that the Agency and this Council would conduct a joint public hearing on the Fifth Amendment at the hour of 1:30 p.m., or as soon thereafter as it may be heard, on the 24th day of March, 2009, in the Council Chambers of the City of San Jose, San Jose, California; and

WHEREAS, the joint public hearing was held on March 24, 2009, and this Council did consider the proposed Fifth Amendment at said hearing and all oral and written evidence or testimony for or against the adoption thereof; and

WHEREAS, no speakers appeared at the public hearing to speak in response to the proposed Fifth Amendment; and

WHEREAS, no written objections were received at or prior to the public hearing.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION I. No oral or written objections were presented to the City Council in connection with the Fifth Amendment.

SECTION II. The Fifth Amendment is found and determined to be necessary and desirable, and is hereby approved and adopted as submitted to the City Council on March 24, 2009. The Fifth Amendment is on file in the offices of the City Clerk and the Redevelopment Agency of the City of San Jose. The Redevelopment Plan for the Project Area (as amended, including, without limitation, as amended by the Fifth Amendment) is on file in the offices of the City Clerk and the Redevelopment Agency of the City of San Jose, and is by this reference incorporated herein and made a part hereof.

SECTION III. It is the purpose and intent of this Council in enacting this Ordinance to provide for the continued rehabilitation and redevelopment of the Project Area through all lawful and convenient means whatsoever. To this end, the Redevelopment Plan for the Project Area (as amended, including, without limitation, as amended by the Fifth Amendment) is hereby designated the official Redevelopment Plan for the Project Area.

SECTION IV. It is additionally the purpose and intent of this Council in enacting this Ordinance to exclude certain territory known as Naglee Park from the Project Area.

SECTION V. The City Council does hereby find and determine, based on substantial evidence in the record, including, but not limited to, the Report to Council and all documents referenced therein, any other documents referenced herein, oral and written staff reports, and evidence and testimony received at the public hearing, that the Redevelopment Plan for the Project Area (as amended by the Fifth Amendment) will continue to redevelop the Project Area in conformity with Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding and determination is made based, in part, on the goals set forth in the Redevelopment Plan and in the Five-Year Implementation Plan for the Project Area and the analysis contained in the Report to Council.

SECTION VI. The notice, public hearing and other requirements of the Community Redevelopment Law have been met.

SECTION VII. Prior ordinances adopting and amending the Redevelopment Plan for the Project Area are continued in full force and effect, as amended by this Ordinance.

SECTION VIII. No later than 60 days after the adoption of this Ordinance, the Executive Director or designee is hereby directed to record with the County Recorder of Santa Clara County a statement that the Redevelopment Plan for the Project Area has been amended.

SECTION IX. Within 30 days following the adoption of this Ordinance, the City Clerk or designee is hereby directed to transmit a copy of this Ordinance, a description of Naglee Park and a map or plat indicating the amendment to the Redevelopment Plan, to the following parties:

- (a) The auditor and assessor of Santa Clara County;
- (b) The officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting taxes, do not use the Santa Clara County assessment roll or do not collect taxes through Santa Clara County;
- (c) The governing body of each of the taxing agencies which levies taxes upon any property in the Project Area; and
- (d) The State Board of Equalization.

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SECTION X. If any part of this Ordinance, or the Fifth Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance or of the remaining Fifth Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Fifth Amendment, if such invalid portion thereof had been deleted.

PASSED FOR PUBLICATION of title this 24th day of March, 2009, by the following vote:

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

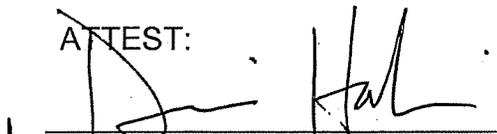
NOES: NONE.

ABSENT: CHIRCO, CONSTANT, HERRERA.

DISQUALIFIED: NONE.


CHUCK REED
Mayor

ATTEST:


LEE PRICE, MMC
City Clerk

CONFORMED COPY: This document has
not been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

Recording requested by:
Redevelopment Agency
of the City of San Jose

When recorded mail to:
Redevelopment Agency
of the City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113
Attn.: General Counsel

Doc#: 20232500
4/30/2009 1:02 PM

THIS DOCUMENT IS RECORDED FOR THE BENEFIT OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AND IS EXEMPT FROM FEE PER GOVERNMENT CODE SECTIONS 27383 AND 6103

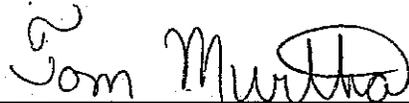
THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS EXCLUDED FROM A REDEVELOPMENT PROJECT AREA, MORE SPECIFICALLY CALLED THE NAGLEE PARK AMENDMENT TO THE STRONG NEIGHBORHOODS INITIATIVE REDEVELOPMENT PROJECT AREA.

STATEMENT OF PROCEEDINGS
Per Health and Safety Code Section 33456

This is notice by the Redevelopment Agency of the City of San Jose that by proceedings instituted under the California Community Redevelopment Law, the Redevelopment Agency of the City of San José ("Redevelopment Agency") did on April 7, 2009, by final adoption of its Ordinance No. 28522, approve and adopt the "Naglee Park Amendment" to the Redevelopment Plan of the Strong Neighborhoods Initiative Redevelopment Project Area ("Project Area"), excluding from the Project Area the territory commonly known as "Naglee Park," described in the boundary description attached hereto as Exhibit "A" and incorporated herein. Proceedings for the adoption of the Naglee Park Amendment were instituted under the California Health and Safety Code Sections 33000 et seq., California Community Redevelopment Law. California Health and Safety Code Section 33456 requires the recordation of this Statement of Proceedings following adoption of the amendment.

Pursuant to Section 306 of the Redevelopment Plan of the Project Area, the Agency is authorized to acquire real property located within the Project Area by eminent domain. Real property affected by the Naglee Park Amendment is excluded from the Project Area and may not be acquired by the Redevelopment Agency by eminent domain.

APPROVED AS TO FORM:



Supervising Sr. Associate Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF SAN JOSE


Executive Director

EXHIBIT A

NAGLEE PARK LEGAL DESCRIPTION

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of the Pueblo Lands of San Jose, described as follows:

BEGINNING at the southerly corner of the boundary of that Map of Tract 9645 filed for record on July 1, 2005, in Book 788 of Maps, pages 40 through 43, Santa Clara County Records, also being on the southeasterly line of E. Virginia Street;

Thence along said southeasterly line, the following two courses:

1. Thence South 69°18'40" West, 60.93 feet;
2. Thence South 59°17'23" West, 137.80 feet, to the southeasterly prolongation of the southwesterly line of Lots 1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21 and 24 as shown on that Map of the Newhall and Cottrell Subdivision filed for record in Book "E" of Maps, page 123, Santa Clara County Records;
3. Thence along said prolongation and southwesterly line, and the northwesterly prolongation of said southwesterly line, North 30°41'17" West, 709.33 feet, to the northwesterly line of Margaret Street;
4. Thence along said northwesterly line, South 59°16'54" West, 44.07 feet, to the southwesterly line of Parcel Two as described in the deed recorded February 26, 1993, in Book M643 of Official Records, page 1295, Santa Clara County Records;

Thence along the southwesterly and northwesterly line of said Parcel Two, the following two courses:

5. Thence North 30°42'00" West, 45.89 feet;
6. Thence North 59°18'00" East, 44.15 feet, to the southwesterly line of the northeasterly lots in Block 2 of Reed's Addition (unrecorded), said line being parallel with and 137.87 feet southwesterly of the southwesterly line of S. 12th Street;
7. Thence along said parallel line, its northwesterly prolongation, the southwesterly line of Lots 13, 15-21 and 22, as shown on that Map of Jackson's Subdivision filed for record in Book "B" of Maps, page 43, Santa Clara County Records, and its northwesterly prolongation, North 30°42'00" West, 1,247.19 feet, to the southeasterly line of E. William Street;
8. Thence along said southeasterly line, North 59°20'38" East, 46.81 feet, to the southwesterly line of Block 79 as shown on that Map of Naglee Park Tract Survey No. 4 filed for record in Book "L" of Maps, page 100, Santa Clara County Records;
9. Thence along said southwesterly line, North 34°36'52" West, 483.94 feet, to the southeasterly line of Parcel One as described in the deed recorded December 3, 2004, in Document No. 18125464 of Official Records, Santa Clara County Records;

Thence along said southeasterly line and the southwesterly line of said Parcel One and its northwesterly prolongation, the following two courses:

10. Thence South 59°20'08" West, 38.11 feet;

11. Thence North $31^{\circ}52'41''$ West, 128.95 feet, to the northwesterly line of E. San Salvador Street;
 12. Thence along said northwesterly line, North $59^{\circ}20'08''$ East, 17.26 feet, to the northeasterly line of Lots 1-12 as shown on that Map of the Flickinger Subdivision filed for record in Book "O" of Maps, page 10, Santa Clara County Records;
 13. Thence along said northeasterly line and its northwesterly prolongation, North $30^{\circ}39'52''$ West, 611.56 feet, to the northwesterly line of E. San Carlos Street;
 14. Thence along said northwesterly line, South $59^{\circ}20'08''$ West, 2.96 feet, to the southwesterly line of Lots 5-11 of Block 53 as shown on that Map of the Naglee Park Tract Survey No. 2 filed for record in Book "K" of Maps, page 41, Santa Clara County Records;
 15. Thence along said southwesterly line, North $30^{\circ}39'52''$ West, 350.00 feet, to the northwesterly line of said Lot 5;
 16. Thence along said northwesterly line, North $59^{\circ}20'08''$ East, 2.96 feet, to the southwesterly line of Lots 1-4 of Block 53 as shown on said Map of the Naglee Park Tract Survey No. 2;
 17. Thence along said southwesterly line; its northwesterly prolongation, the southwesterly line of Lots 1-11 in Block 40 as shown on that Map of Naglee Park Tract Survey No. 1 filed for record in Book "F-2" of Maps, page 15, Santa Clara County Records, its northwesterly prolongation, and the southwesterly line of Lots 1-10 in Block 27 as shown on said Map of the Naglee Park Tract Survey No. 1, North $30^{\circ}39'52''$ West, 1,362.90 feet, to the northwesterly line of said Lot 1;
 18. Thence along said northwesterly line, North $59^{\circ}20'08''$ East, 32.04 feet, to the southwesterly line of that parcel of land described in the deed recorded June 2, 1999, in Document No. 14839586 of Official Records, Santa Clara County Records;
 19. Thence along said southwesterly line and the southwesterly line of that parcel of land described in the deed recorded August 14, 2003, in Document No. 17269367 of Official Records, Santa Clara County Records, North $30^{\circ}39'52''$ West, 80.00 feet, to the existing South-East Strong Neighborhood Initiative Redevelopment Project Area boundary line;
- Thence along said Project Area boundary line, the following fourteen courses:
20. Thence continuing along said southwesterly line, North $30^{\circ}39'52''$ West, 20.00 feet, to the northwesterly line of that parcel of land described in said deed recorded August 14, 2003;
 21. Thence along said northwesterly line, North $59^{\circ}20'08''$ East, 95.92 feet, to the southwesterly line of S. 12th Street;
 22. Thence along said southwesterly line, South $30^{\circ}39'52''$ East, 39.79 feet, to the southwesterly prolongation of the southeasterly line of Lots 1-4 in Block 28 as shown on said Map of the Naglee Park Tract Survey No. 1;
 23. Thence along said prolongation, said southeasterly line and the northeasterly prolongation of said southeasterly line, North $59^{\circ}20'08''$ East, 375.92 feet, to the northeasterly line of S. 13th Street;

ACKNOWLEDGEMENT

State of California
County of Santa Clara

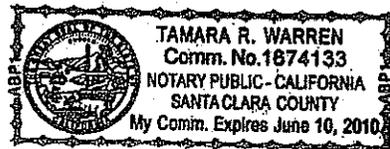
On April 30, 2009 before me, Tamara R. Warren ^{Notary} Public
(insert name and title of officer)

Personally appeared Harry S. Mavrogenes
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

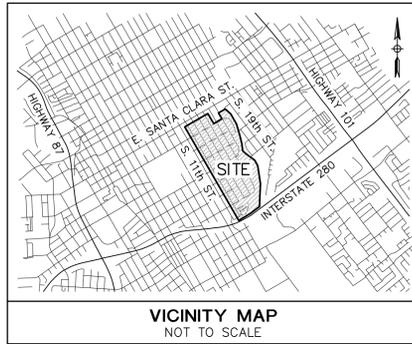
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing Paragraph is true and correct.

WITNESS my hand and official seal

Signature Tamara R. Warren (Seal)



Statement of Proceedings
(re: Naglee Park - Ord. 28522)

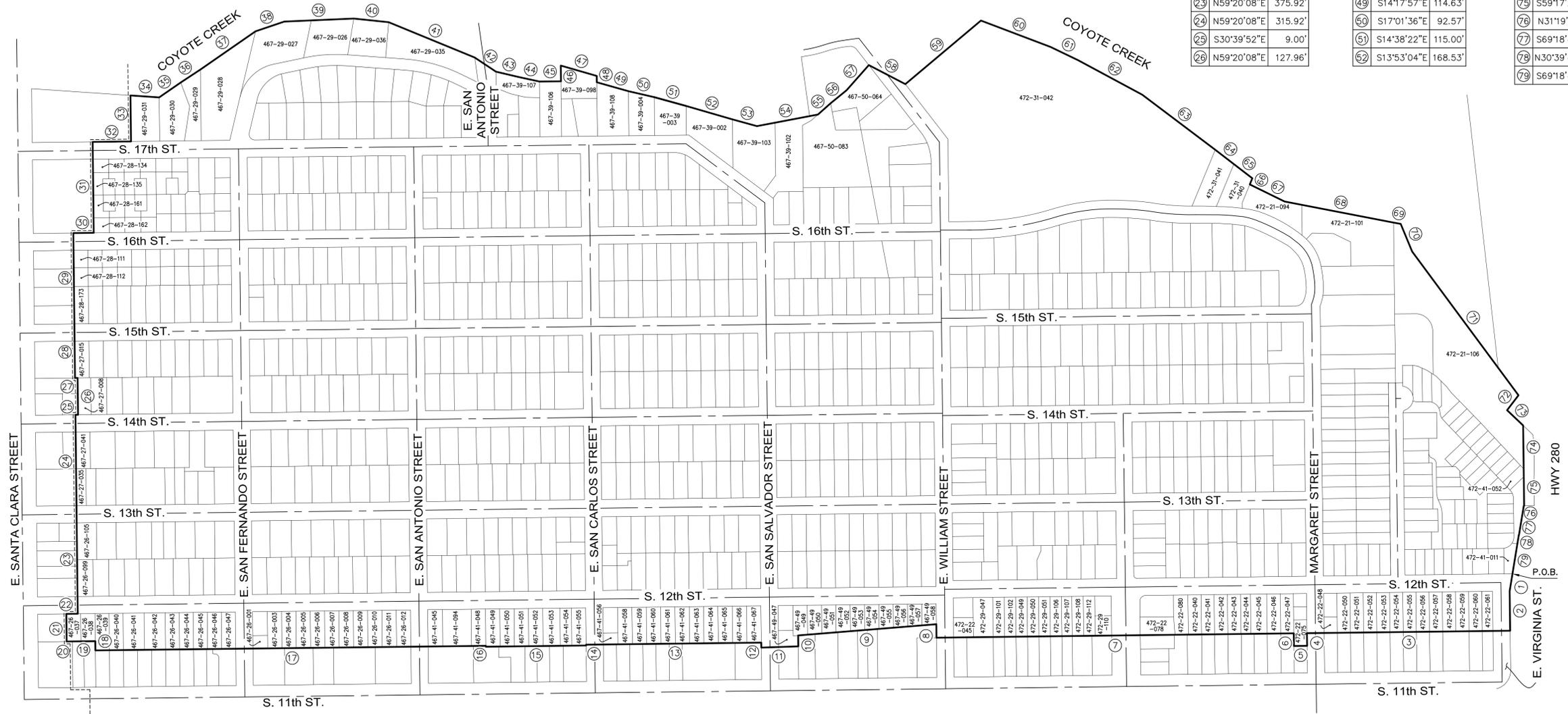
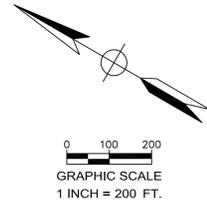


LEGEND

- PROPOSED NAGLEE PARK REDEVELOPMENT AREA BOUNDARY LINE
- EXISTING SOUTH-EAST STRONG NEIGHBORHOOD INITIATIVE REDEVELOPMENT PROJECT AREA BOUNDARY LINE
- XXX-XX-XXX ASSESSOR'S PARCEL NUMBER

DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

212.44 ACRES



LINE TABLE		
No.	Bearing	Length
1	S69°18'40"W	60.93'
2	S59°17'23"W	137.80'
3	N30°41'17"W	709.33'
4	S59°16'54"W	44.07'
5	N30°42'00"W	45.89'
6	N59°18'00"E	44.15'
7	N30°42'00"W	1247.19'
8	N59°20'38"E	46.81'
9	N34°36'52"W	483.94'
10	S59°20'08"W	38.11'
11	N31°52'41"W	128.95'
12	N59°20'08"E	17.26'
13	N30°39'52"W	611.56'
14	S59°20'08"W	2.96'
15	N30°39'52"W	350.00'
16	N59°20'08"E	2.96'
17	N30°39'52"W	1362.90'
18	N59°20'08"E	32.04'
19	N30°39'52"W	80.00'
20	N30°39'52"W	20.00'
21	N59°20'08"E	95.92'
22	S30°39'52"E	39.79'
23	N59°20'08"E	375.92'
24	N59°20'08"E	315.92'
25	S30°39'52"E	9.00'
26	N59°20'08"E	127.96'

LINE TABLE		
No.	Bearing	Length
27	N30°39'52"W	9.00'
28	N59°20'08"E	187.96'
29	N59°20'08"E	315.92'
30	S30°39'52"E	71.17'
31	N59°20'08"E	315.92'
32	S30°39'52"E	133.83'
33	N59°20'08"E	160.00'
34	S26°05'26"E	100.32'
35	S64°35'51"E	91.47'
36	S63°13'58"E	82.00'
37	S64°36'58"E	234.04'
38	S48°41'52"E	105.89'
39	S32°27'52"E	242.75'
40	S24°04'52"E	122.49'
41	S07°43'52"E	324.43'
42	S03°30'30"W	88.99'
43	S16°51'06"E	78.70'
44	S17°43'15"E	77.13'
45	S30°38'22"E	75.00'
46	N59°21'38"E	54.63'
47	S13°58'22"E	130.48'
48	S59°21'38"W	21.96'
49	S14°17'57"E	114.63'
50	N59°20'08"E	315.92'
51	S14°38'22"E	115.00'
52	S13°53'04"E	168.53'

LINE TABLE		
No.	Bearing	Length
53	S14°39'52"E	88.86'
54	S40°44'52"E	216.76'
55	S71°29'22"E	58.97'
56	S69°10'23"E	71.92'
57	S78°21'02"E	116.78'
58	S02°36'15"E	143.60'
59	S69°56'22"E	344.08'
60	S09°20'22"E	260.04'
61	S04°20'22"E	106.26'
62	S01°50'22"E	254.10'
63	S06°54'38"W	318.60'
64	S07°35'38"W	81.87'
65	N07°20'38"E	81.28'
66	S82°30'38"W	23.14'
67	N03°58'52"W	135.02'
68	N19°05'00"W	387.40'
69	S19°46'41"E	25.24'
70	S37°23'43"W	104.28'
71	S23°23'43"W	622.38'
72	N82°27'14"W	65.34'
73	S13°23'26"W	77.15'
74	S59°17'23"W	151.33'
75	S59°17'23"W	127.94'
76	N31°19'12"W	1.23'
77	S69°18'40"W	102.48'
78	N30°39'42"W	0.73'
79	S69°18'40"W	137.07'

BY	DATE	REVISIONS

Date: 09-03-08
 Scale: 1" = 200'
 Designed: -
 Drawn: TG
 Checked: SD
 Proj. Engr: -
 353608PL02

1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 www.HMHca.com

EXHIBIT "A"
 NAGLEE PARK REDEVELOPMENT AREA
 SEPTEMBER, 2008
 SAN JOSE CALIFORNIA

Sheet
 1
 of 1 Sheets
 JOB NUMBER
 3536.08.271