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COUNCIL RESOLUTION NO. [2011-8]
REDEVELOPMENT AGENCY RESOLUTION NO. [1773]

A JOINT RESOLUTION OF THE COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO MAKING CERTAIN FINDINGS PURSUANT TO SECTION 33445 OF THE COMMUNITY REDEVELOPMENT LAW, AUTHORIZING AGENCY REIMBURSEMENT OF COSTS INCURRED WITHIN THE FREEWAY 99 - GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT AREA FOR THE INSTALLATION OF PUBLIC IMPROVEMENTS ON NORTH KNOLL, WEST ASHCROFT, WEST HOLLAND, WEST RICHERT AND WEST SWIFT AVENUES

WHEREAS, the Redevelopment Agency of the City of Fresno (the "Agency") is responsible for carrying out the Redevelopment Plan for the Freeway 99 – Golden State Boulevard Corridor Redevelopment Project Area ("Plan"), pursuant to the Community Redevelopment Law of California (Health & Safety Code Sections 33000 *et. seq.*) (the "Law"); and

WHEREAS, the Agency is engaged in activities necessary to carry out the Plan, and the Plan authorizes the Agency to: (i) install, construct or reconstruct public improvements or facilities to eliminate blight, (ii) cause or provide for installing or constructing utilities and other public improvements necessary to carry out the Plan, and (iii) specifically includes payment of the cost of the installation and construction of any improvement that is publicly owned and is located inside the Project Area and associated with Plan implementation; and

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Adopted 1-20-11
Approved 1-20-11
Effective 1-20-11

2011-8/1773



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WHEREAS, the Project Area Implementation Plan ("Implementation Plan"), to help eliminate physical and economic blighting influences, includes a redevelopment program to facilitate private reinvestment in the Project Area by installing public facilities and infrastructure within the Project Area; and

WHEREAS, Agency staff have determined that the Public Improvements contemplated under this resolution have been environmentally assessed under Certifying Program EIR No. 03-01; and adopted by Council/Agency Resolution No. 2003-198/1627 on June 24, 2003; and

WHEREAS, this project consists of utilizing annually allocated and available FY 2011-13 tax increment funds to reimburse in arrears costs incurred in the construction of curb, gutter, street light, storm drain, water, sewer, paving and similar public infrastructure ("Project"), upon dedication to and acceptance by the City of Fresno of the Public Improvements; and

WHEREAS, the Project Improvements will be publicly owned and will benefit the Project Area by helping to eliminate blight, and no other reasonable means of financing the installation or construction of improvements are available to the community, and the payment of Agency funds for the Improvements that will be publicly owned is consistent with the Implementation Plan adopted pursuant to Section 33490; and

WHEREAS, the inability of the Developer, Don Pickett & Associates, Inc., ("Developer") to undertake this Project without the involvement of the Agency relates to



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the limited funding available to the Developer for this Project and the current economic downturn; and

WHEREAS, on November 10, 2010, in a regular meeting, the Housing and Community Development Commission ("HCDC") considered whether to recommend approval of this Agreement, and voted to recommend that the Agency approve this Agreement; and

WHEREAS, the Agency's obligations hereunder are payable solely from and limited solely to the extent of annually allocated and available FY 2011-13 tax increment funds for the Project; and

WHEREAS, pursuant to Section 33445 of the Redevelopment Law the Agency, with the consent of the Council and upon certain Council determinations, may pay for the cost to install and construct publicly owned improvements within the Project Area; and

WHEREAS, the Agency and Council, after due consideration, believe that the Agency's costs, not to exceed a total of \$1,700,000.00, to reimburse costs to construct the Project as provided herein, is in the best interests of the City and health, safety, and welfare of employees, businesses, property, and visitors to the Project Area, and is consistent with the public purposes and provisions of applicable state and local laws; and will improve the quality of life for residents, visitors to, and businesses and properties within the Project Area, consistent with the Plan.

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NOW, THEREFORE, BE IT RESOLVED by the Council and the Agency of the City of Fresno as follows:

1. Based upon substantial evidence provided in the record before it, the Council and the Agency find and determine the following:

Finding No. 1.1: The Project is in the best interests of the City and health, safety, and welfare of employees, businesses, property, and visitors to the Project Area, and is consistent with the public purposes and provisions of applicable state and local laws; and will improve the quality of life for residents, visitors to, and businesses and properties within the Project Area, and will help improve and enhance traffic and pedestrian circulation and safety within the proposed Project Area, and is consistent with and necessary to achieve Area goals and objectives and the Implementation Plan as well as the Redevelopment Plan and will benefit the Project Area.

Finding No. 1.2: Installing the Project will help eliminate blight within the immediate vicinity of the Project, as well as the overall Project Area, by increasing efficient traffic flow, and improving traffic safety and enhancing the area for private investment and upgrading and improving the image of the Area.

Finding No. 1.3: The Project is consistent with the Implementation Plan.

Finding No. 1.4: Using allocated and available tax increment for the Project is essential and necessary, as no other reasonable means of financing the Project are available to the Developer.



2. The Council consents to the Agency expending annually allocated and available FY 2011-13 tax increment funds up to \$1,700,000.00 to reimburse in arrears costs incurred in the construction of Project curb, gutter, street light, storm drain, water, sewer, paving and similar public infrastructure, upon City of Fresno acceptance of dedication thereof.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno and Ex-Officio Clerk of the Redevelopment Agency of the City of Fresno, certify that the City Council of the City of Fresno and the Redevelopment Agency of the City of Fresno, California, adopted the foregoing resolution at a joint public meeting held on the 20th day of January, 2011 and that the same was passed by the following vote:

AYES: Baines, Olivier, Quintero, Westerlund, Brand
NOES: None
ABSENT: Borgeas, Xiong
ABSTAIN: None

REBECCA E. KLISCH
City Clerk and Ex-Officio Clerk
of the Agency

By Rebecca Klisch
Deputy

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney and Ex-Officio Attorney
to the Agency

By Robert R. Coyle 1-18-11
Senior Deputy Date