

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO (1) SUBMIT A GRANT APPLICATION AND, IF AWARDED, NEGOTIATE AND EXECUTE A GRANT AGREEMENT FOR GRANT FUNDING UP TO \$1,000,000 UNDER THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY URBAN GRANT PROGRAM FOR THE DESIGN AND CONSTRUCTION OF ELIA PARK, LOCATED AT THE SOUTHWEST CORNER OF WEST ALMA AVENUE AND SANBORN AVENUE, AND TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE GRANT; AND (2) NEGOTIATE AND EXECUTE A CONSERVATION EASEMENT WITH THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY FOR PERPETUAL USE OF THE LAND FOR RECREATIONAL PARK PURPOSES ONLY

WHEREAS, in accordance with the voter-approved Measure Q Expenditure Plan, the Santa Clara Valley Open Space Authority (“Authority”) has established a competitive Urban Grant Program (the “Program”) for projects that provide healthy and safe open space and park areas and environmental education programs within and near urban areas of Santa Clara County; and

WHEREAS, the City of San José (“City”) has identified Elia Park (“Project”) at the southwest corner of West Alma Avenue and Sanborn Avenue as a priority project; and

WHEREAS, the City believes that the Project meets the criteria for the Authority’s Urban Grant Program; and

WHEREAS, the total project cost for the implementation of the Project is estimated to be Five Million Dollars; and

WHEREAS, the Authority’s Program requires applicants with annual revenue above \$10 million to provide at least 25% match of grant request; and

WHEREAS, the City has secured three million eight hundred thousand dollars from a reserve appropriation for the project; and

WHEREAS, the City will be responsible for operation and maintenance of the Project;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE HEREBY FINDS, DETERMINES, DECLARES, AND ORDERS AS FOLLOWS:

1. **Truth of Recitals.** That the forgoing recitations are true and correct.
2. **Measure Q Consistency.** That the Project is consistent with the Measure Q Expenditure Plan.
3. **Authorization.** The City Manager of the City of San José is hereby authorized to conduct all negotiations and submit and sign all documents, including but not limited to, grant agreement, conservation easement, amendments, and reimbursement requests as may be necessary for completion of the Project.
4. **Matching Funds.** The City of San José has available three million eight hundred thousand dollars for matching funds as cash or in-kind and sufficient funds to complete the Project.
5. **Operation and Maintenance.** The City of San José has available and sufficient funds necessary to operate and maintain the project.

6. **Program Guidelines.** The City of San José has reviewed, understands, and agrees to abide by the provisions contained in the Authority's Program Guidelines.
7. **Legal Compliance.** The City of San José acknowledges that it will comply with all federal, state and local laws applicable to the Project.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk