RESOLUTION NO. 12-2 (STADIUM AUTHORITY)

A RESOLUTION OF THE SANTA CLARA STADIUM

AUTHORITY APPROVING A SUBDIVISION

IMPROVEMENT AGREEMENT WITH THE CITY OF

SANTA CLARA

BE IT RESOLVED BY THE BOARD OF THE SANTA CLARA STADIUM

AUTHORITY AS FOLLOWS:

WHEREAS, on February 22, 2011, by City of Santa Clara Resolution No. 11-7825, the City of

Santa Clara authorized the execution of a Joint Powers Agreement ("Agreement") with the City

of Santa Clara Redevelopment Agency to form the Santa Clara Stadium Authority ("Stadium

Authority");

WHEREAS, the Stadium Authority was formed to facilitate the development and operating of a

stadium in the City suitable for NFL games ("Stadium Project") and to fulfill the mandates of

Measure J, "The Santa Clara Stadium Taxpayer Protection and Economic Progress Act";

WHEREAS, the City approved a tentative subdivision map for the Stadium Project in

November 2010 subject to certain conditions to be met by the Stadium Authority;

WHEREAS, the Stadium Authority has submitted to the City a final Subdivision Map and is

requesting that the City approve the Final Subdivision Map;

WHEREAS, as required by the Government Code and the City Municipal Code, the Stadium

Authority has proposed to the City entering into an Improvement Agreement which obligates the

Stadium Authority to complete those improvements that were a condition of the Tentative Map

in accordance with the terms of the Improvement Agreement;

WHEREAS, the Stadium Project has previously undergone environmental review pursuant to

the California Environmental Quality Act ("CEQA") and was considered as part of the project

Environmental Impact Report certified for the proposed 49ers Santa Clara Stadium Project at

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4900 Centennial Boulevard (the "Stadium EIR");

WHEREAS, the Stadium Authority desires to enter into the Subdivision Improvement Agreement with the City; and,

WHEREAS, the Staff Report provides additional information upon which the findings and actions set forth in this Resolution are based.

NOW, BE IT FURTHER RESOLVED BY THE SANTA CLARA STADIUM AUTHORITY AS FOLLOWS:

- 1. That the Board of the Stadium Authority hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
- 2. The Stadium Authority hereby finds, for the following reasons, and based on the provision of CEQA (with particular reference to 14 California Code of Regulations, Section 15162), that the Stadium EIR has served as the environmental documentation pursuant to CEQA for approval of this Resolution and the Subdivision Improvement Agreement with respect to the Stadium Project considered in the Stadium EIR. The Stadium Authority further specifically finds that there have <u>not</u> been any of the following occurrences since the approval of the Stadium EIR that would require a subsequent or supplemental environmental documents in connection with approval of this Resolution and the Subdivision Improvement Agreement:
 - a. there have not been substantial changes in the project analyzed in the Stadium EIR which would require major revisions in the Stadium EIR and the Mitigation Monitoring Program;
 - b. there have not been substantial changes with respect to the circumstances under which the project analyzed in the Stadium EIR will be undertaken which would require major revisions in the Stadium EIR and the Mitigation Monitoring Program; and

- c. there has not been the appearance of new information which was not known and could not have been known as of the date of approval of the Stadium EIR and the Mitigation Monitoring Program which is relevant to the approval of the Stadium EIR and the Mitigation Monitoring Program as it relates to the Subdivision Improvement Agreement.
- 3. The Stadium Authority hereby approves the Subdivision Improvement Agreement and authorizes the Executive Director to enter into and execute the Subdivision Improvement Agreement on behalf of the Authority, substantially in the form on file with the Authority Secretary, with such revisions as are reasonably determined necessary by the Authority signatory, such determination to be conclusively deemed to have been made by the execution of the Agreement by the Authority signatory. The Executive Director is authorized to implement the Subdivision Improvement Agreement and take all further actions and execute all other documents which are necessary or appropriate to carry out the Subdivision Improvement Agreement.
- 4. The Executive Director is hereby authorized to take such further actions as may be necessary or appropriate to carry out the Authority's obligations pursuant to this Resolution and the Subdivision Improvement Agreement.
- 5. The Executive Director is hereby authorized and directed to file a Notice of Determination with respect to the Subdivision Improvement Agreement in accordance with the applicable provisions of CEQA.
- 6. The Authority Secretary shall certify to the adoption of this Resolution.
- 7. <u>Effective date</u>. This Resolution shall take effect immediately upon adoption.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of

this resolution is for any reason held by a court of competent jurisdiction to be

unconstitutional or invalid for any reason, such decision shall not affect the validity of the

remaining portions of the resolution. The Board of the Santa Clara Stadium Authority hereby

declares that it would have passed this resolution and each section, subsection, sentence,

clause, phrase, and word thereof, irrespective of the fact that any one or more section(s),

subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION

PASSED AND ADOPTED BY THE BOARD OF THE SANTA CLARA STADIUM

AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE 14th DAY OF

FEBRUARY, 2012, BY THE FOLLOWING VOTE:

AYES:

BOARD MEMBER: Gillmor, Kennedy, Kolstad, Mahan and Moore and

Chairperson Matthews

NOES:

BOARD MEMBER: None

ABSENT:

BOARD MEMBER: McLeod

ABSTAINED:

BOARD MEMBER: None

ATTEST:

ROD DIRIDON, JR.

AUTHORITY SECRETARY

Attachments Incorporated by Reference:

None