



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Sterling SECONDED BY Brand

BILL NO. B-27

ORDINANCE NO. 2010-29

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
ADOPTING AN AMENDMENT TO THE JEFFERSON AREA
PROJECT, TO: 1) EXTEND PLAN EFFECTIVENESS; 2) EXTEND
THE PERIOD FOR DEBT REPAYMENT AND RECEIPT OF TAX
INCREMENT; 3) EXTEND EMINENT DOMAIN AUTHORITY; AND
4) CAUSE THE LAND USE PLAN TO BE THE GENERAL PLAN
AND ANY APPLICABLE SPECIFIC OR COMMUNITY PLANS, AS
EACH MAY BE AMENDED OR ADOPTED FROM TIME TO TIME.

WHEREAS, the Redevelopment Agency of the City of Fresno ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et. seq.*, ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Fresno ("City Council"); and

WHEREAS, on July 29, 2008, the City Council initiated the plan amendment process and authorized the preparation of the proposed Fresno Merger No. 1 Redevelopment Project Amendments (referred to herein as "Amendments"), which include separate redevelopment project areas, including the Central Business District, Chinatown Expanded, Convention Center, Jefferson, Mariposa, West Fresno I, West Fresno II, Fulton and South Van Ness Industrial ("Constituent Redevelopment Areas"), each of which has its own redevelopment plan ("Constituent Redevelopment Plans"); and

WHEREAS, on December 18, 1984, by Ordinance No.84-182, the City Council adopted a redevelopment plan for the Jefferson Area Project and subsequently amended the redevelopment plan five (5) times by way of Ordinances 94-119 adopted on December 6, 1994,

Adopted 7/22/10
Approved 7/30/10
Effective 8/29/10

2010-29



95-18 adopted on February 28, 1995, 98-47 adopted on June 30, 1998, 2008-9 adopted on February 26, 2008, and 2008-47 adopted on July 22, 2008, in compliance with the provisions of the CRL ("Jefferson Area Project" or "Plan"); and

WHEREAS, the purposes of the Jefferson Area Project Amendment ("Amendment") are to: 1) extend Plan effectiveness; 2) extend the period for debt repayment and receipt of tax increment; 3) extend eminent domain authority; and 4) cause the land use plan to be the General Plan and any applicable specific or community plans, as each may be amended or adopted from time to time; and

WHEREAS, the City Council has received from the Agency the Report to the City Council on the Amendments to the Merger No. 1 Redevelopment Plans in accordance with section 33352 of the CRL ("Report to Council"); and

WHEREAS, the City of Fresno and Agency, acting as co-lead agencies ("Lead Agency") under the California Environmental Quality Act ("CEQA") have prepared a Final Subsequent Environmental Impact Report ("FSEIR") to the existing 1998 environmental impact report ("1998 EIR") for the Fresno Merger No. 1 Redevelopment Plan relating to and assessing environmental effects related to the Merger No. 1 Amendments ("Project") and the FSEIR is inclusive of the Draft Subsequent Environmental Impact Report ("DSEIR") dated February 2, 2010; and

WHEREAS, the Agency and the City Council have reviewed and considered the FSEIR and have adopted a Statement of Findings, Facts, and Overriding Considerations applicable to the environmental impacts identified in the FSEIR; and

WHEREAS, for any Amendments to Constituent Redevelopments Plans adopted prior to December 31, 1993, Section 33333.11(f) of the CRL requires that, 120 days prior to the Agency holding a public hearing on the Amendments, the Agency send the proposed Amendments to the



Planning Commission for its report and recommendation concerning the proposed Amendments and their conformity to the City's General Plan, pursuant to Government Code section 65402; and

WHEREAS, on October 15, 2008, prior to a noticed public hearing on the Amendments before the Planning Commission meeting on that same date, Agency staff requested the Commission to postpone consideration of the Amendments so that the Agency staff could prepare the Draft Subsequent Environmental Impact Report ("DSEIR") to more thoroughly address the Project's potential environmental effects on cultural resources, air quality, and noise; and

WHEREAS, the public comment period of the DSEIR was duly and lawfully closed on March 19, 2010, following a 45 day public comment period, where the public was given the opportunity to comment, in writing, on the adequacy of the DSEIR; and

WHEREAS, Article 6 of the Fresno Municipal Code, Local Planning and Procedures, Sections 12-608 and 12-609, requires that the Planning Commission review proposed redevelopment plan amendments at a noticed public hearing, and at the conclusion thereof to recommend approval, disapproval, or modification of the proposed Amendments; and

WHEREAS, the proposed Amendments were considered by the Planning Commission at a noticed meeting on April 21, 2010, and after considering public testimony, the Planning Commission made its recommendation that the proposed Amendments were in conformance with General Plan, the environmental review is consistent with the requirements of CEQA, and the proposed Amendments should be approved; and

WHEREAS, on April 28, 2010 at a regular meeting, the Housing and Community Development Commission heard the testimony of staff and interested citizens, considered the proposed plan amendments, and recommended that the Council adopt the proposed ordinance



approving the amendments to the Constituent Redevelopment Plans, as recommended by staff;
and

WHEREAS, On June 17, 2010, the Agency Board adopted Resolution 1756 approving the proposed Five-Year Implementation Plan (2010 – 2015) for the Merger No. 1 Project Area comprised of the Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, and West Fresno II project areas;
and

WHEREAS, the Council has considered the Report to Council, the report and recommendation of the Planning Commission, the report and recommendation of the Housing and Community Development Commission, the Amendment, and the FSEIR; has provided an opportunity to all persons to be heard and has received and considered all public evidence and testimony presented for or against any and all aspects of the Amendment; and; and

WHEREAS, Constituent Redevelopment Plans adopted prior to 1994 are subject to the provisions of Senate Bill 211, passed in 2001. Senate Bill 211 allows a redevelopment agency to extend the deadlines, for up to 10 years, if certain requirements are met. The plan amendment must identify the significant remaining blight in a project area, the focusing of redevelopment activities to eradicating the remaining blight, focusing the use of the Agency's Low and Moderate Income Housing Funds to low and very low income families, and increasing the amount of property tax increment revenues that are set aside in the Low and Moderate Income Housing Fun from a 20% rate to a 30% rate. These requirements are applicable to the Jefferson Area Project; and

WHEREAS, CRL Section 33333.11(g) provides that in order to adopt a plan amendment pursuant to 33333.10, Agency must provide notice, no later than 45 days prior to the joint public hearing, to each affected taxing entity, the Department of Finance, the Department of Housing



and Community Development, and each individual and organization that submitted comments on the preliminary report by certified mail of the public hearing, the date of the public hearing, and the proposed amendment, and such notice must be accompanied by the report required by Subdivision (h) of that Section; and

WHEREAS, CRL Section 33333.10, provides that redevelopment plans adopted on or before December 31, 1993, may be amended to extend the time limit on the effectiveness of the plan and the time limit on the payment of indebtedness and receipt of property taxes for up to ten additional years, but only after the agency finds, based on substantial evidence, that significant blight remains in the project area and the blight cannot be eliminated without extending the effectiveness of the plan and the receipt of property taxes; and

WHEREAS, CRL Section 33333.4 (a)(3) requires that every redevelopment plan that provides eminent domain authority must include a time limit not to exceed 12 years. As provided by law, this limit may be extended by 12 years by amendment of the Plan after the Agency finds, based on substantial evidence, both of the following that significant blight remains within the Jefferson Area Project ("Project Area") and the Constituent Redevelopment Areas as a whole, and the blight cannot be eliminated without the use of eminent domain.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FRESNO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein.

Section 2. Findings.

Section 2.1. The purposes and intent of the Council with respect to the Amendment are to: 1) extend Plan effectiveness; 2) extend the period for debt repayment and receipt of tax increment; 3) extend eminent domain authority; and 4) cause the land use plan to be the General

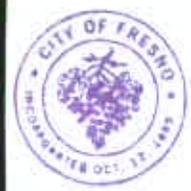


Plan and any applicable specific or community plans, as each may be amended or adopted from time to time.

Section 2.2. The Amendment is necessary and desirable in order to complete the redevelopment of the Project Area and make possible the full achievement of the goals and objectives of the Plan. Significant blight remains within the Project Area which cannot be eliminated without the increase in the time limits on the effectiveness of the plan, receipt of tax increment, extension of eminent domain authority, and the increase in the tax increment limit provided by the Amendment. These findings are based on the facts, more particularly described in the Report to Council, that:

The Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions that contribute to significant remaining blight in the Project Area, including:

- A. Buildings in which it is unsafe and unhealthy for persons to live or work, as evidenced by seriously deteriorated and dilapidated buildings caused by long-term neglect, unreinforced masonry buildings, and a disproportionate share of serious building code violations.
- B. Conditions that present or substantially hinder the viable use or capacity of buildings or lots, caused by buildings of substandard, defective, or obsolete design or construction given the present general plan, zoning or other development standards.
- C. Depreciated or stagnant property values, as evidenced by depreciated and stagnant assessed property values, and low median property sales prices for retail, office, and industrial properties and for single-family homes.



- D. Abnormally low lease rates for office and industrial space, and an abnormally high number of vacant buildings and vacant lots.
- E. A serious lack of necessary commercial facilities that are normally found in neighborhoods, as evidenced by the serious lack of supermarkets serving the Project Area and vicinity.
- F. Serious residential overcrowding that has resulted in significant public health or safety problems, as evidenced by a relatively high percentage of over crowded units and high residential densities.
- G. An excess of liquor stores, as evidenced by the much higher rate of alcohol licenses per capita.
- H. A high crime rate that constitutes a serious threat to the public safety and welfare, as evidenced by higher crime rate per capita in the Project Area.
- I. Inadequate public improvements

Section 2.3. The combination of the conditions referred to in Section 2.2, above, are so prevalent and so substantial that it continues to cause a reduction of, or lack of, proper utilization of the Project Area and affects the Constituent Redevelopment Areas as a whole to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

Section 2.4. The continued availability of tax increment revenues from the Project Area and the Constituent Redevelopment Areas as a whole will allow the Agency to continue to carry out the goals and objectives of the Plan by providing the financing needed to complete the public improvements and to continue the redevelopment programs necessary to alleviate the



remaining physical and economic blight conditions and promote and stimulate new private investment in Project Area.

Section 2.5. The Amendment would redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, as contemplated by the Plan, as amended by the Amendment, will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the remaining conditions of blight and deterioration in the Project Area and the Constituent Redevelopment Areas as a whole; by facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; by providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Project Area; by providing for higher economic utilization of potentially useful land and buildings; and by providing additional funds to improve and increase the supply of low- and moderate-income housing within the community.

Section 2.6. The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based upon the facts, as more particularly set forth in the Report to Council, that under the Plan, as amended by the Amendment, the funds available from tax increments and other financing sources will be sufficient to pay for the costs of the proposed public projects needed to alleviate the remaining blight conditions; the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area and the Constituent Redevelopment Areas as a whole; and no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.



Section 2.7. The Amendment conforms to the General Plan of the City of Fresno, including, but not limited to, the Housing Element. This finding is based on the finding of the Planning Commission that the Amendment conforms to the General Plan of the City of Fresno.

Section 2.8. The carrying out of the Amendment would promote the public peace, health, safety, and welfare of the City of Fresno and would effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the facts that redevelopment, as contemplated by the Amendment, will benefit the Project Area and the Constituent Redevelopment Areas as a whole by correcting the remaining conditions of blight and by coordinating the additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Project Area and the Constituent Redevelopment Areas as a whole and that the continued redevelopment of the Project Area will further promote and stimulate new private investment and redevelopment in the Project Area and the Constituent Redevelopment Areas as a whole.

Section 2.9. The condemnation of real property, as extended by the Amendment, is necessary to the execution of the Plan, and adequate provisions have been made for payment of property to be acquired as provided by law. This finding is based on the following facts: (1) the Agency may need to assemble parcels to effectuate more cohesive and economically feasible development within the Project Area; (2) the Agency is required to comply with all state laws pertaining to the acquisition of real property by a public agency by negotiation or by condemnation, which laws require the payment of just compensation for any real property purchased by negotiation or condemnation; and (3) the Agency shall not proceed with any voluntary acquisition or condemnation of real property for which funds are not available. Significant blight remains within the Project Area and this blight cannot be eliminated without the use of eminent domain.



Section 2.10. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based upon the fact that the existing Plan and the existing Agency relocation policies, as well as the Report to Council, contain the Agency's general method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project Area, and provide for relocation assistance according to law. That general method and plan for relocation will continue to apply following the adoption of the Amendment. The Redevelopment Plan expressly states that Agency is not authorized to acquire by eminent domain within the Project Area, property on which any person resides, as defined in the Amendment. Moreover, Section 19(b) of the California Constitution provides that "local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person."

Section 2.11. There are, or shall be provided, in the Project Area, Constituent Redevelopment Areas or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that pursuant to the Plan, as amended by the Amendment, if the Agency does displace any persons or families from a dwelling unit, no person or family will be required to move from any dwelling unit in the Project Area until suitable replacement housing is available. In addition, families and persons shall not be displaced from the Project Area prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law, and dwelling units housing persons and families of low or moderate income within the Project Area shall not be removed or



destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Community Redevelopment Law.

Section 2.12. The continuation of the elimination of blight and the effective redevelopment of the Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that higher costs and more significant risks are associated with development in a blighted area such as the Project Area, available governmental actions and resources have been and are insufficient to address remaining blighting conditions and the cost and risk to private enterprise is too great.

Section 2.13. The time limitations contained in the Amendment are reasonably related to the remaining proposed projects to be implemented in the Constituent Redevelopment Areas and to the ability of the Agency to eliminate the remaining blight within the Project Area and the Constituent Redevelopment Areas as a whole. This finding is based upon the fact that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. Shorter time limitations would also limit the revenue sources and financing capacity necessary to carry out the proposed projects in the Project Area and the Constituent Redevelopment Areas as a whole.

Section 2.14. All noncontiguous areas of a the Project Area are either blighted or necessary for effective redevelopment; lands, buildings, and improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Project Area; any area included in the Project Area is necessary for effective redevelopment;



and none of the foregoing are included for the purposes of obtaining the allocation of taxes from the area pursuant to Section 33670 without other substantial justification for their inclusion, as set forth in the Report to Council.

Section 2.15. The Project Area is predominantly urbanized as defined in subdivision (b) of Section 333320.1 as set forth in the Report to Council.

Section 2.16. On May 7, 2010, Agency sent written notice to the each taxing entity, the Department of Finance, the Department of Housing and Community Development, and each individual and organization that submitted comments on the preliminary report by certified mail of the public hearing, the date of the public hearing, and the proposed Amendment, and such notice was accompanied by the reports required by CRL 33451.5(c).

Section 2.17. The implementation of the Redevelopment Plan, as amended, will improve or alleviate the physical and economic conditions of blight in the Project Area, as described in the Report to Council.

Section 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of Fresno at the time of their displacement.

Section 4. In order to implement and facilitate the effectuation of the Amendment, certain official actions must be taken by the Council; accordingly the Council hereby:

A. pledges its cooperation in helping to carry out the Plan, as amended by the Amendment;

B. directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the Project Area likewise to cooperate to such end and



to exercise their respective functions and powers in a manner consistent with the Plan, as amended by the Amendment;

C. stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Plan, as amended by the Amendment; and

D. declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Plan, as amended by the Amendment.

Section 5. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the Amendment, as identified in Council Resolution No. 2010-158, adopted on July 22nd, 2010, and Agency Resolution No. 1758, adopted on July 22nd, 2010, were based upon consideration of the FSEIR and are incorporated and made part of the proposed Amendment.

Section 6. Amendment of Redevelopment Plan. The Plan is hereby amended as set forth below.

I. Plan Duration

The duration of the Redevelopment Plan is extended as follows:

“7.1 Duration of Covenants”

Deleted Text:

“Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until ~~December 18, 2027~~; provided, however, that, subject to the limitations set forth in Section 8.3.5.B. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the



effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.”

New Text:

“Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until **December 18, 2037**; provided, however, that, subject to the limitations set forth in Section 8.3.5.B. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.”

II. Time Limit for Debt Repayment and Receipt of Tax Increment

Paragraph B. of Section 8.3.5 of the Plan is hereby amended to extend the time to receive tax increment and repay debt as follows:

Deleted Text:



The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 1, 2014. Loans, advances or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness as set forth herein. The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with proceeds from property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 6.3.5 beyond **December 18, 2037**.

New Text:

The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with proceeds from property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 6.3.5 beyond **December 18, 2047**.

III. Eminent Domain

Paragraph B. of Section 8.1.2 of the Plan is hereby amended to extend eminent domain authority as follows:

Deleted Text:

"In cases where purchase cannot be negotiated, property shall be acquired by the Agency through the exercise of its right of eminent domain, which shall commence within twelve years from the effective date of the **1998 Ordinance**. The Agency will comply with all the provisions



of the statutes and Constitution of the State of California and the Department of Housing and Urban Development of the United States of America, relative to the exercise of the right of eminent domain. Payment for such property shall be in accordance with the State Law, as amended, and with applicable provisions of Federal law.”

New Text:

“In cases where purchase cannot be negotiated, property shall be acquired by the Agency through the exercise of its right of eminent domain, which shall commence within twelve years from the effective date of the **Ordinance adopting this Amendment.** The Agency will comply with all the provisions of the statutes and Constitution of the State of California and the Department of Housing and Urban Development of the United States of America, relative to the exercise of the right of eminent domain. Payment for such property shall be in accordance with the State Law, as amended, and with applicable provisions of Federal law.” The aforementioned time limit is applicable to specific properties only, as identified in the Acquisition Plan. Notwithstanding the foregoing or any other provision of this Plan, this Plan shall not authorize the agency to acquire by eminent domain within the Project Area, property on which any person resides. For purposes of this Plan, “property on which any persons reside” shall mean that a person actually lives on the property, that the property is zoned for residential use, or that the residential use on the property is a legally non-conforming use, as defined by the Fresno Municipal Code.

IV. Land Acquisition

Exhibit 13 “Acquisition Plan” is hereby deleted and replaced with Exhibit 13 Acquisition Plan (Revised 2010) attached hereto and incorporated by reference.

V. Land Use and Development Standards



Sections 5.0 "Proposed Land Uses and Circulation" and Section 6.0 "Property Development Standards" are deleted and replaced with the following:

Section 5.0 Land Use and Development Standards

5.1 Land Use

The land uses permitted in the Project Area shall be the land uses permitted pursuant to the General Plan, and any applicable community plans and specific plans adopted for the Project Area, as amended from time to time. Specific permitted uses within the Project Area are those that are permitted, or conditionally permitted by the Zoning Ordinance contained in the Fresno Municipal Code, as it may be amended from time to time.

VI. Delete Acquisition Plan Map

Paragraph one of Section 4.9 of the Plan is hereby amended to remove the Acquisition Plan Map as follows:

Existing Text:

"The implementation of the Jefferson Area Community Redevelopment Plan concept for the Regional Medical Center Project is dependent upon land assembly, redevelopment, and rehabilitation activities. In order to assure development of the Regional Medical Center Project, the Redevelopment Agency may acquire by purchase, eminent domain (sic), or otherwise, the real property contained in the Regional Medical Center Project Area and designated as "Subject to Acquisition, Phase A (1984), and Subject to Acquisition, Phase B (1995) in the Acquisition Plan, Exhibit 13." The properties identified in Subject to Acquisition, Phase A (1984), were placed in the Acquisition Plan in 1984 with the original adoption of the Jefferson Area Community Redevelopment Plan."

New Text:



“The implementation of the Jefferson Area Community Redevelopment Plan concept for the Regional Medical Center Project is dependent upon land assembly, redevelopment, and rehabilitation activities. In order to assure continued development of the Regional Medical Center Project, the Redevelopment Agency may acquire by purchase, eminent domain, or otherwise, the real property contained in the Regional Medical Center Project Area and designated as “Subject to Acquisition (Revised 2010)” in the Acquisition Plan, Exhibit 13.”

Section 7. Designation as Official Redevelopment Plan. That certain document entitled “Redevelopment Plan for the Jefferson Area Project,” a copy of which is on file in the office of the City Clerk, is hereby incorporated by reference herein and, as amended by this Ordinance, is designated as the official Redevelopment Plan for the Jefferson Area Project.

Section 8. Certification. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Amendment.

Section 9. Effect of Amendment. It is hereby found and determined that the foregoing Amendment is necessary and desirable. Except as expressly provided in this Ordinance, the Plan, as previously amended, shall remain unchanged and in full force and effect.

Section 10. Partial Invalidity; Severability. If any part of this Ordinance or the Amendment that it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Amendment if such invalid portion thereof had been deleted.

Section 11. Notification. The Executive Director of the Redevelopment Agency shall notify the appropriate public entities of the adoption of this Ordinance.



Section 12. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after adoption.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the City Council of the City of Fresno, at a regular meeting held on the 22 day of July, 2010.

AYES : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: _____ July 30 _____, 2010

Mayor Approval/No Return: _____ N/A _____, 2010

Mayor Veto: _____ N/A _____, 2010

Council Override Vote: _____ N/A _____, 2010

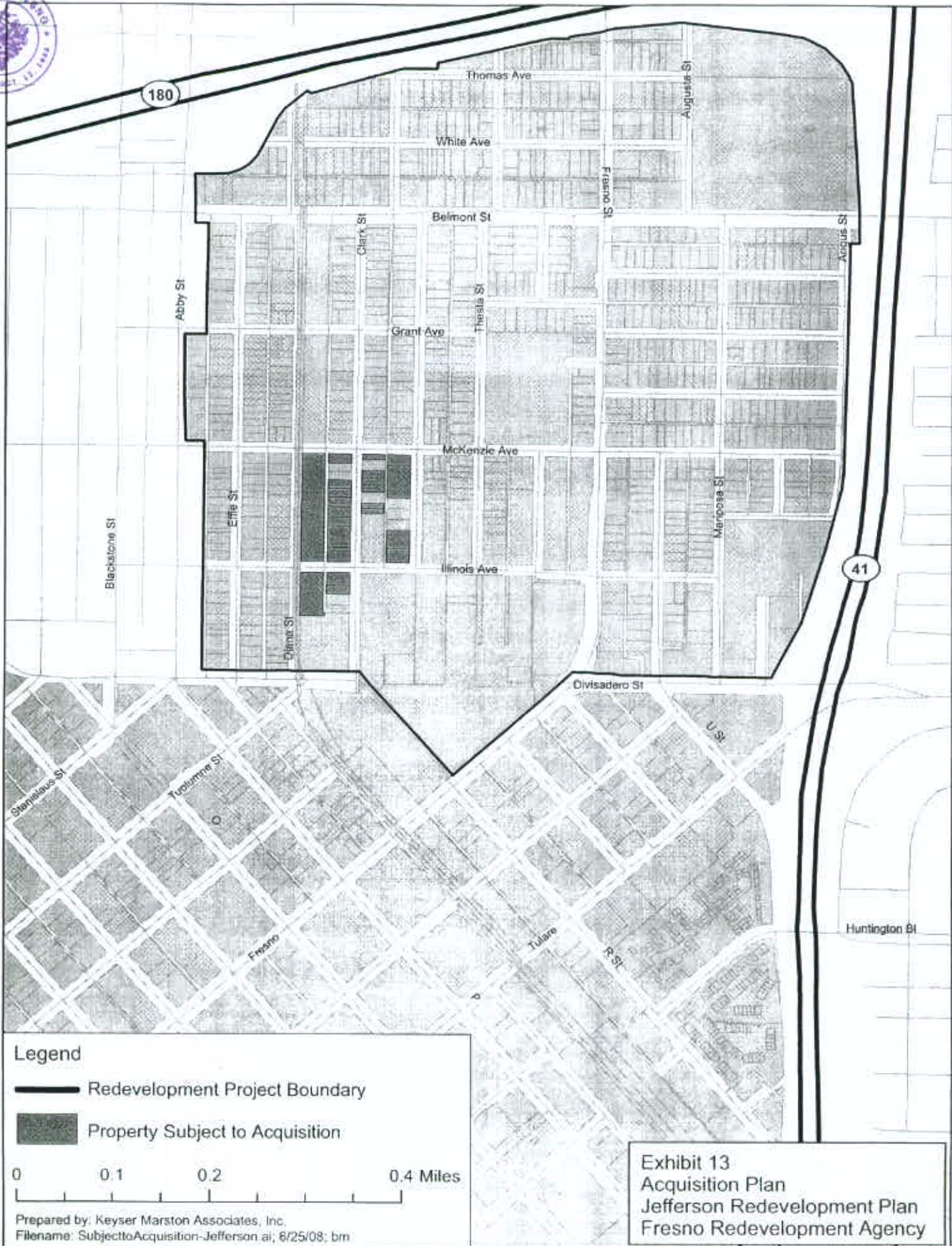
REBECCA E. KLISCH
City Clerk

Deputy

APPROVED AS TO FORM:

LOZANO SMITH

By:
Jerome M. Behrens
Fresno Redevelopment Agency
Contract Counsel



Legend

-  Redevelopment Project Boundary
-  Property Subject to Acquisition

0 0.1 0.2 0.4 Miles

Prepared by: Keyser Marston Associates, Inc.
Filename: SubjecttoAcquisition-Jefferson ai; 6/25/08; br

Exhibit 13
Acquisition Plan
Jefferson Redevelopment Plan
Fresno Redevelopment Agency



D-6 Mariposa Project Area



July 23, 2010

RECEIVED

Council Adoption: 07/22/10
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CITY CLERK, FRESNO, CA
City Clerk

JUL 30 PM 4:55
RSK

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 7/22/10, Council adopted the attached Ordinance No. 2010-29 entitled **Amend the Jefferson Area Project (RDA)**, Item No. **RDA Item 8**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 3, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearingin
Ashley Swearingin, Mayor

Date: 7.30.10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: