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ORDINANCE NO. 86-063

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

June 17, 1986

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO, CALIFORNIA, AMENDING ORDINANCE NO. 2681, FOURTH SERIES, AS AMENDED, APPROVING AND ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CAPITOL MALL RIVERFRONT PROJECT PROJECT NO. 4, IN ORDER TO ADD AREA

WHEREAS, the City Council of the City of Sacramento (the "Council") adopted Ordinance No. 2681, Fourth Series, on August 25, 1966, approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Capitol Mall Riverfront Project, Project No. 4 (the "Project") and the Council approved and adopted amendments to the Redevelopment Plan by Ordinance No. 2992, Fourth Series, on May 27, 1971, and Ordinance No. 4426, Fourth Series, on September 30, 1980 (collectively hereinafter referred to as the "Prior Amending Ordinances"); and

WHEREAS, the Redevelopment Agency of the City of Sacramento (the "Agency") is designated as the official redevelopment agency to carry out in the City functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et. seq.) and to implement the Redevelopment Plan; and

WHEREAS the Agency has proposed an Amendment to the Redevelopment Plan for the Project (the "Amendment"), to provide for the addition of certain property to the Project Area (hereinafter referred to as the "Added Area); and

WHEREAS, the Planning Commission of the City of Sacramento (the "Planning Commission") has reviewed the Amendment and recommended the approval and adoption of the

Amendment, together with its certification that the Amendment conforms to the General Plan of the City of Sacramento; and

WHEREAS, the City Council received from the Agency the proposed Amendment, together with the Report of the Agency on the Amendment and the Final Environmental Impact Report (the "Final EIR") relating thereto; and

WHEREAS, the City Council and the Agency held a joint public hearing on June 17, 1986, on the adoption of the Amendment and certification of the Final EIR on said Amendment, in the City Council Chambers, City Hall, 915 "I" Street, Sacramento, California; and

WHEREAS, a notice of said hearing was duly and regularly published in the Sacramento Union, a newspaper of general circulation in the City of Sacramento once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of public hearing were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the existing Project Area and in the Added Area, as shown on the last equalized assessment roll of the County of Sacramento; and

WHEREAS, copies of the Notice of Public Hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property within the existing Project Area and within the Added Area; and

WHEREAS, copies of a statement concerning acquisition of property by the Agency were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the Added Area, as shown on the last equalized assessment roll of the County of Sacramento; and

WHEREAS, the City Council has considered the report and recommendations of the Planning Commission, the Report of the Agency, the Amendment and the Final EIR, and has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Amendment; and

WHEREAS, the Agency and the City Council have reviewed and considered the Final EIR on the Amendment, as prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and determined that the Amendment will not have a significant effect on the environment;

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

Section 1. The purposes and intent of the City Council with respect to the Amendment are: (1) to contribute to and complement the overall goals and policies of the existing Redevelopment Plan; (2) to eliminate blighting influences and environmental deficiencies within the Added Area such as deteriorated structures, irregular lot sizes and shapes, shifting uses, vacant or underutilized lots and deteriorated or inadequate public improvements, facilities or utilities; and (3) to provide for additional employment opportunities and economic growth.

Section 2. The City Council does hereby specifically find and determine that:

a. It is necessary and desirable to amend the Redevelopment Plan to include additional area in the Project Area because the Added Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law and the inclusion of the Added Area is consistent with the

goals and objectives of the existing redevelopment project. This finding is based on the fact that:

(1) The Added Area includes unfit or unsafe buildings and structures due to age, obsolescence, and shifting uses;

(2) The Added Area includes properties which suffer from deterioration and disuse because of inadequate public improvements, facilities and utilities;

(3) The Added Area is characterized by a lack of proper utilization of property, resulting in a stagnant and unproductive condition of land potentially useful and valuable; and

(4) There is a need for additional employment opportunities and economic growth.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that without the assistance of the Agency, the Added Area would remain stagnant and underutilized and deteriorated structures and the lack of adequate public improvements, facilities and utilities would continue to exist.

b. The Amendment will enable the Added Area and the existing Project Area to be redeveloped 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 Redevelopment Plan, as amended by the Amendment, will implement the objectives of

the Community Redevelopment Law by aiding in the elimination and prevention of the spread of conditions of blight and deterioration in the Added Area, and will further the objectives of the Redevelopment Plan by facilitating the development of the Project Area and by providing additional employment opportunities.

c. The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based upon the fact that under the Redevelopment Plan public funds are available to and have been allocated by the Agency for the development of the area and the fact that no new public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Amendment conforms to the General Plan of the City of Sacramento. This finding is based upon the finding of the Planning Commission on May 5, 1986, that the Amendment conforms to the General Plan of the City.

e. The carrying out of the Amendment will promote the public peace, health, safety and welfare of the City and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Redevelopment Plan, as amended by the Amendment, will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Added Area and the existing Project Area.

f. The condemnation of real property within the Added Area, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon: (1) the need to ensure that the provisions

of the Redevelopment Plan will be carried out; and (2) the need to prevent the recurrence of blight.

g. The elimination of blight and the redevelopment of the Added 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 existence of blighting influences and the inability of individual developers to economically remove these blighting influences without public assistance to acquire and assemble sites for development, and the provision of public improvements, facilities, and utilities.

h. Inclusion of any lands, buildings or improvements in the Added Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the whole area of which they are a part, and any such areas included are necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of tax increment revenues from such areas without other substantial justification for their inclusion. This finding is based upon the fact that the inclusion of lands, buildings or improvements within the Added Area is necessary in order to (1) eliminate underutilized, stagnant and unproductive conditions of land; (2) eliminate deteriorated structures; (3) eliminate inadequate or deteriorated public improvements, facilities and utilities; and (4) provide for additional employment opportunities and economic growth.

i. The Amendment to the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Added Area by private enterprise.

j. The effect of tax increment financing to carry out the Amendment will not cause a severe financial burden or detriment on any taxing agency deriving revenues from the Added Area. This finding is based on the fact

that based on Agency Consultations with each affected taxing agency, there was no evidence that the Amendment would cause a financial burden or detriment on any of the affected taxing agencies and the fact that each affected taxing agency decided that it would elect to receive the allocation of taxes pursuant to subdivision (a) of Section 33676 of the California Health and Safety Code.

Section 4. Written objections to the Amendment filed with the City Clerk before the hour set for hearing and all oral objections presented to the City Council at the hearing having been considered are hereby overruled.

Section 5. The mitigation measures, as identified in Council Resolution No. 86-458, adopted on June 17, 1986, making findings as to the Final Environmental Impact Report on the Amendment to the Redevelopment Plan, are incorporated into the proposed redevelopment of the Added Area.

Section 6. The Redevelopment Plan for the Capitol Mall Riverfront Project, as adopted by Ordinance No. 2681, Fourth Series, as amended by the Prior Amending Ordinances, is hereby amended as set forth in the proposed "Amendment to the Redevelopment Plan for the Capitol Mall Riverfront Redevelopment Project," Project No. 4 attached hereto as Attachment No. 1 and incorporated herein by reference. As so amended, the Redevelopment Plan is incorporated herein by reference and designated as the official Redevelopment Plan for the Capitol Mall Riverfront Redevelopment Project, Project No. 4.

The Executive Director of the Agency is hereby authorized to combine the Redevelopment Plan, as amended by this Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan in place of the document currently constituting said Redevelopment Plan.

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Section 7. Ordinance No. 2681, Fourth Series, and the other Prior Amending Ordinances are continued in full force and effect, as amended by this Ordinance.

Section 8. 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 Redevelopment Plan as amended by the Amendment.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Sacramento County a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a description of the boundaries of the Added Area and a statement that proceedings for redevelopment of the Project Area pursuant to the Redevelopment Plan, as amended by the Amendment, have been instituted under the California Community Redvelopment Law.

Section 10. The City Clerk is hereby directed to transmit a copy of this Ordinance Amending the Redevelopment Plan, a description of the land within the Project Area, as amended by this Amendment, and a map or plot indicating the boundaries of the Project Area, as amended by this Amendment to the auditor, assessor and tax collector of the County of Sacramento, to the governing body of each of the taxing agencies which levy taxes upon any property in the Project Area, as amended by this Amendment, and to the State Board of Equalization.

Section 11. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 12. Severability. If any part of this Ordinance, of the 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 Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Amendment if such invalid portion thereof had been deleted.

ADOPTED this 17 day of JUN, 1986.

DATE PASSED FOR PUBLICATION: JUNE 10, 1986

DATE EFFECTIVE: JULY 17, 1986

Anne Rudin
Mayor

ATTEST:

Janice Beaman
Deputy City Clerk

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ATTACHMENT NO. 1

AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE CAPITOL MALL RIVERFRONT PROJECT,
PROJECT NO. 4

The Redevelopment Plan for the Capitol Mall Riverfront Project, Project No. 4 (the "Redevelopment Plan"), is hereby amended as follows:

1. The "Legal Description of the Added Area to Project No. 4" attached hereto as Exhibit 1 and incorporated herein is hereby added to the Redevelopment Plan as "EXHIBIT E".

2. The "Map of the Added Area to Project No. 4" attached hereto as Exhibit 2 and incorporated herein which illustrates the boundaries, the streets and land uses within the Added Area, is hereby added to the Redevelopment Plan as "EXHIBIT F".

3. A new paragraph F. is hereby added to the Redevelopment Plan to read as follows:

F. RESTRICTIONS APPLICABLE TO THE ADDED AREA TO PROJECT NO. 4

The following restrictions and limitations apply to the area added to Project No. 4 (the "Added Area") as described in Exhibit E and as shown on Exhibit F:

1. Limitation on Tax Increment Dollars

The portion of taxes divided and allocated to the Agency pursuant to Health and Safety Code Section 33670 with respect to the Added Area shall not exceed a cumulative total of $1,000,000. This limit may be increased only by amendment of this Plan.

2. Time Limit on Establishment of Indebtedness

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Added Area beyond twenty-seven (27) years from the date of adoption of the ordinance amending the Redevelopment Plan to include the Added Area. Loans, advances or indebtedness may be repaid over a period of time beyond the said time limit.

3. Dollar Limit on Amount of Bonded Indebtedness

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subparagraph 1 above which can be outstanding at any one time shall not exceed $1,000,000.

4. Increased and Improved Housing Supply

Commencing with the effective date of the ordinance adopting the Amendment to the Plan to include the Added Area, pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes from the Added Area which are allocated to the Agency, pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law, shall be used by the Agency for the purposes of increasing and improving the City's supply of housing for persons and families of very low, low or moderate income unless certain findings are made as required by that section to lessen or exempt such requirements. In carrying out this purpose, the Agency may exercise any or all of the powers set forth in Section 33334.2 of the Community Redevelopment Law.

5. Property Acquisition

All of the real property, or interests therein, located within the Added Area may be acquired by purchase, lease, gift or condemnation as set forth in paragraph C.1 of the Plan. However, if eminent domain proceedings are used within the Added Area, they must be or must have been commenced within twelve (12) years from the date the ordinance adopting the Amendment to the Plan to include the Added Area becomes effective.

4. A second paragraph is hereby added to paragraph C.3. to read as follows:

> In addition to the public improvements authorized in the above paragraph, the specific public improvements proposed for the Added Area include the following: public improvements to streets, gutters, curbs, lights, and pedestrian walkways/bridges; landscaping/parks and open space improvements; recreational/museum and dockage facilities; hotels; housing; parking facilities and transportation/transit improvements.

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EXHIBIT 1*

LEGAL DESCRIPTION OF THE PROJECT NO. 4 ADDED AREA

That real property situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of the City of Sacramento bounded on the North by the Centerline of "S" Street extended Westerly to the Sacramento City limits, County line and approximate Centerline of the Sacramento River; bounded on the West by said Sacramento City limits, County line and approximate Centerline of the Sacramento River; bounded on the South by the Northerly Right-of-Way line of Interstate 80; and bounded on the East by the Westerly Right-of-way line of Interstate 5.

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* Exhibit E of Redevelopment Plan for Project No. 4

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EXHIBIT II *

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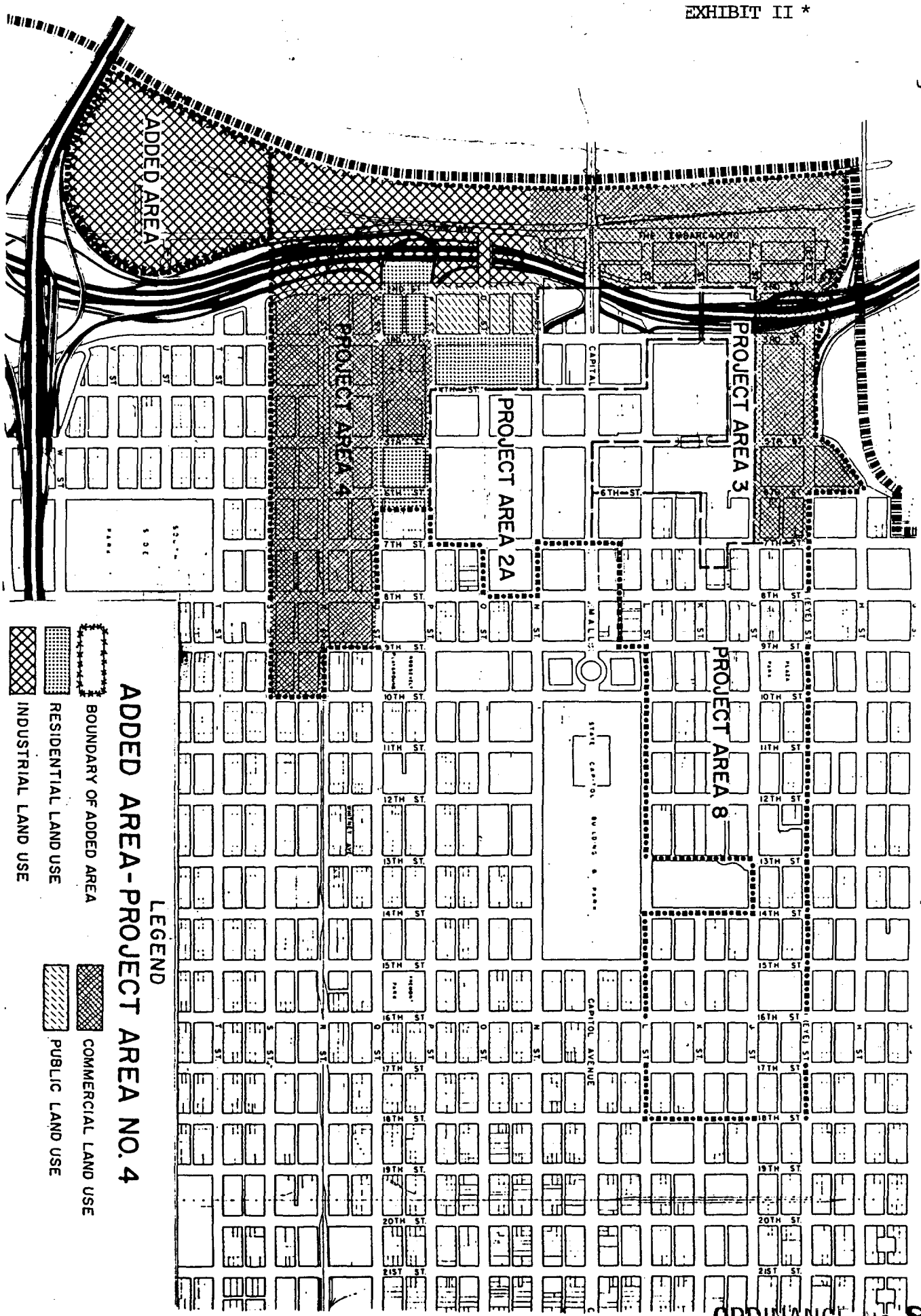

* Exhibit F of Redevelopment Plan for Project No. 4

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