



Meeting Date: 06/19/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Suzanne Quitoriano *BP (for)* Agenda Item No. I-2
 Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance SW Other N/A

DATE: June 8, 2007

TO: City Council
Community Development Commission

FROM: Curtis P. Cannon, Community Development Director *Curtis P. Cannon*
Community Development Department

SUBJECT: **Ordinances to Amend Four Redevelopment Plans to Include Eminent Domain Program Description and Statements to be Recorded in Compliance with Health and Safety Code Sections 33342.7 and 33373**

RECOMMENDATION

That City Council adopt four ordinances to amend each of the City's Redevelopment Plans to include an eminent domain program description in compliance with Health and Safety Code Sections 33342.7 and 33373.

That the Community Development Commission ("CDC") approve four Redevelopment Plan Statements and authorize the Chairperson to execute and cause such statements to be recorded.

DISCUSSION

Health and Safety Code sections 33342.7 and 33373 of the Community Redevelopment Law require a legislative body that adopted a redevelopment plan on or before January 1, 2007 to adopt an ordinance on or before July 1, 2007, amending the redevelopment plan to include a description of the agency's program to acquire property by eminent domain, and to record a statement describing the program. The ordinance amending the plan is required even if the agency's program provides no authority to exercise eminent domain. The adoption is not a ministerial act (i.e., agency approval is required).

Ordinance to Amend Redevelopment Plan

June 8, 2007

Page 2

The attached ordinances and statements do not create new eminent domain powers. The documents merely describe programs already in the plan, such as the provisions and limitations regarding eminent domain actions.

Pursuant to Health and Safety Code section 33373, an agency cannot file a complaint in eminent domain until the ordinance is adopted and the statement is recorded.

FINANCIAL IMPACT

None.

ATTACHMENTS

- Attachment 1 – CCRP and (R-108) Ordinance
- Attachment 2 – CCRP and (R-108) Redevelopment Plan Statement
- Attachment 3 – Ormond Beach Ordinance
- Attachment 4 – Ormond Beach Redevelopment Plan Statement
- Attachment 5 – Southwinds Ordinance
- Attachment 6 – Southwinds Redevelopment Plan Statement
- Attachment 7 – HERO Ordinance
- Attachment 8 – HERO Redevelopment Plan Statement

Ordinance No. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, DESCRIBING THE COMMUNITY DEVELOPMENT COMMISSION'S PROGRAM TO ACQUIRE PROPERTY BY EMINENT DOMAIN WITHIN THE MERGED DOWNTOWN RENEWAL (R-108) AND CENTRAL CITY REVITALIZATION PROJECT AREA PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33342.7(a)

WHEREAS, the City Council of the City of Oxnard ("City Council") approved and adopted the Redevelopment Plan for the Downtown Renewal (R-108) Project on May 14, 1968, by Ordinance No. 1142; and

WHEREAS, the Downtown Renewal (R-108) Project was amended by the adoption of Ordinance No. 2075 on May 6, 1986, Ordinance No. 2344 on November 8, 1994, and Ordinance No. 2478 on January 12, 1999, to impose various operative dates and financial limits in compliance with the California Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.); and

WHEREAS, the City Council approved and adopted the Redevelopment Plan for the Central City Revitalization Project on July 6, 1976, by Ordinance No. 1621; and

WHEREAS, the Central City Revitalization Project was amended by the adoption of Ordinance No. 1744 on February 6, 1979, adding authority for the acquisition of real property, providing relocation assistance and authorizing a Project Area Committee, Ordinance No. 2038 on May 7, 1985, adding 138 acres of new territory (hereinafter referred to as "CCRP Annex") to the original Project Area, Ordinance No. 2075 on May 6, 1986, Ordinance No. 2343 on November 8, 1994, and Ordinance No. 2477 on January 12, 1999, imposing various operative dates and financial limits in compliance with California Community Redevelopment Law; and Ordinance No. 2524 on July 18, 2000, relating to the CCRP Annex, adding authority for tax increment financing and use of eminent domain and establishing initial statutory limits; and

WHEREAS, the City Council adopted Ordinance No. 2526 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area that merged the Downtown Renewal (R-108) Project and Central City Revitalization Project, including CCRP Annex (the redevelopment plans for Downtown Renewal (R-108) and Central City Revitalization Project Areas, including CCRP Annex, and all amendments thereto including the Amended and Restated Redevelopment Plan for the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, in accordance with California Health and Safety Code section 33342.7(a), which went into effect on January 1, 2007, a legislative body that adopted a

final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before July 1, 2007, that contains a description of the redevelopment agency's program to acquire real property by eminent domain ("Program"); and

WHEREAS, the Redevelopment Plan contains a description of the Community Development Commission of the City of Oxnard ("CDC")'s Program that is applicable to the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area, including CCRP Annex.

NOW, THEREFORE, by the City Council of the City of Oxnard does ordain as follows:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. In accordance with California Health and Safety Code Section 33342.7(a), the CDC's program for exercise of eminent domain powers within the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area, including CCRP Annex, (the "Program") is as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law. The CDC shall not acquire, by eminent domain, any property on which any persons reside.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Area which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. The City Council hereby authorizes and directs the City Manager to undertake such actions and execute such documents as may be reasonably necessary or convenient to the carrying out and administration of the actions authorized by this Ordinance.

Section 5. This Ordinance shall become effective thirty (30) days after its second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

AYES:

NOES:

ABSENT:

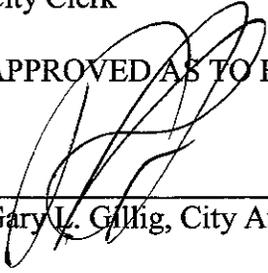
THE CITY OF OXNARD

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

Community Development Commission of the
City of Oxnard
305 West Third Street
West Wing - Third Floor
Oxnard, CA 93030
Attn: Curtis Cannon

(Free Recording Requested Pursuant to Gov't Code Section 6103)

**THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS
LOCATED WITHIN THE MERGED DOWNTOWN RENEWAL (R-108)
AND CENTRAL CITY REVITALIZATION PROJECT AREA**

**MERGED DOWNTOWN RENEWAL (R-108) AND CENTRAL CITY REVITALIZATION
PROJECT STATEMENT**

(RECORDING REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 33373)

1. Pursuant to Ordinance No. 1142, adopted on May 14, 1968, the City Council of the City of Oxnard ("City Council") approved and adopted the Redevelopment Plan for the Downtown Renewal (R-108) Project; and
2. The Downtown Renewal (R-108) Project was amended by the adoption of Ordinance No. 2075 on May 6, 1986, Ordinance No. 2344 on November 8, 1994, and Ordinance No. 2478 on January 12, 1999, to impose various operative dates and financial limits in compliance with the California Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.); and
3. The City Council approved and adopted the Redevelopment Plan for the Central City Revitalization Project on July 6, 1976, by Ordinance No. 1621; and
4. The Central City Revitalization Project was amended by the adoption of Ordinance No. 1744 on February 6, 1979, adding authority for the acquisition of real property, providing relocation assistance and authorizing a Project Area Committee, Ordinance No. 2038 on May 7, 1985, adding 138 acres of new territory (hereinafter referred to as "CCRP Annex") to the original Project Area, Ordinance No. 2075 on May 6, 1986, Ordinance No. 2343 on November 8, 1994, and Ordinance No. 2477 on January 12, 1999, imposing various operative dates and financial limits in compliance with California Community Redevelopment Law; and Ordinance No. 2524 on July 18, 2000, relating to the CCRP Annex, adding authority for tax increment financing and use of eminent domain and establishing initial statutory limits; and
5. The City Council adopted Ordinance No. 2526 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area that merged the Downtown Renewal (R-108) Project and Central City Revitalization Project, including CCRP Annex (the redevelopment plans for Downtown Renewal (R-108) and Central City Revitalization Project Areas, including CCRP Annex, and all amendments thereto including the Amended and Restated Redevelopment

Plan for the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area are hereinafter collectively referenced as the "Redevelopment Plan"); and

6. The Merged Downtown Renewal (R-108) and Central City Revitalization Project Area, including CCRP Annex, ("Project Area") contains the properties described in the Merged Project Area Description, attached hereto as Exhibit "A" and incorporated herein by this reference, and is depicted in the Merged Project Area Map, attached hereto as Exhibit "B" and incorporated herein by this reference.

7. Section 306 of the Redevelopment Plan, entitled Real Property, generally authorizes the use of eminent domain power on any property within the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area by the Community Development Commission of the City of Oxnard ("CDC"), as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Area which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method.

8. The limitations on the use of eminent domain power within the Project Area by the Agency are the following:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

The CDC shall not acquire, by eminent domain, any property on which any persons reside.

Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan and for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

9. This Merged Downtown Renewal (R-108) and Central City Revitalization Project Statement is recorded in conformance with California Health and Safety Code section 33373.

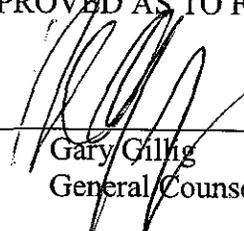
IN WITNESS WHEREOF, the authorized representative of the Oxnard Community Development Commission has executed this instrument.

City of Oxnard Community
Development Commission

Dated: _____, 2007

By: _____
Thomas E. Holden
Chairperson

APPROVED AS TO FORM:

By:  _____
Gary Gillig
General Counsel

NOTARIZATION REQUIREID

EXHIBIT "A"

MERGED PROJECT AREA DESCRIPTION

All that certain real property situated in the City of Oxnard, County of Ventura, State of California, described as follows:

The boundaries of the Project Area are shown on the "Project Area Map," attached hereto as Attachment A, and described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment B, and incorporated herein by reference.

ATTACHMENT B MERGED PROJECT LEGAL DESCRIPTION

DOWNTOWN RENEWAL (R-108) PROJECT

That portion of the Town of Oxnard, as shown on a map recorded in Book 5, page 9 of Miscellaneous Records, in the office of the County Recorder of Ventura County, State of California, and more particularly described as follows:

Beginning at the Southeast corner of Lot 8, Block D, as said lot and block are shown on said map of the Town of Oxnard, thence along a line which is the Westerly prolongation of the Southerly line of Block C of said Town and along said Southerly line,

1st: - East 380.00 feet to a point on the Southeast corner of Block C of said Town of Oxnard, thence along the Easterly line of said block and its Northerly prolongation,

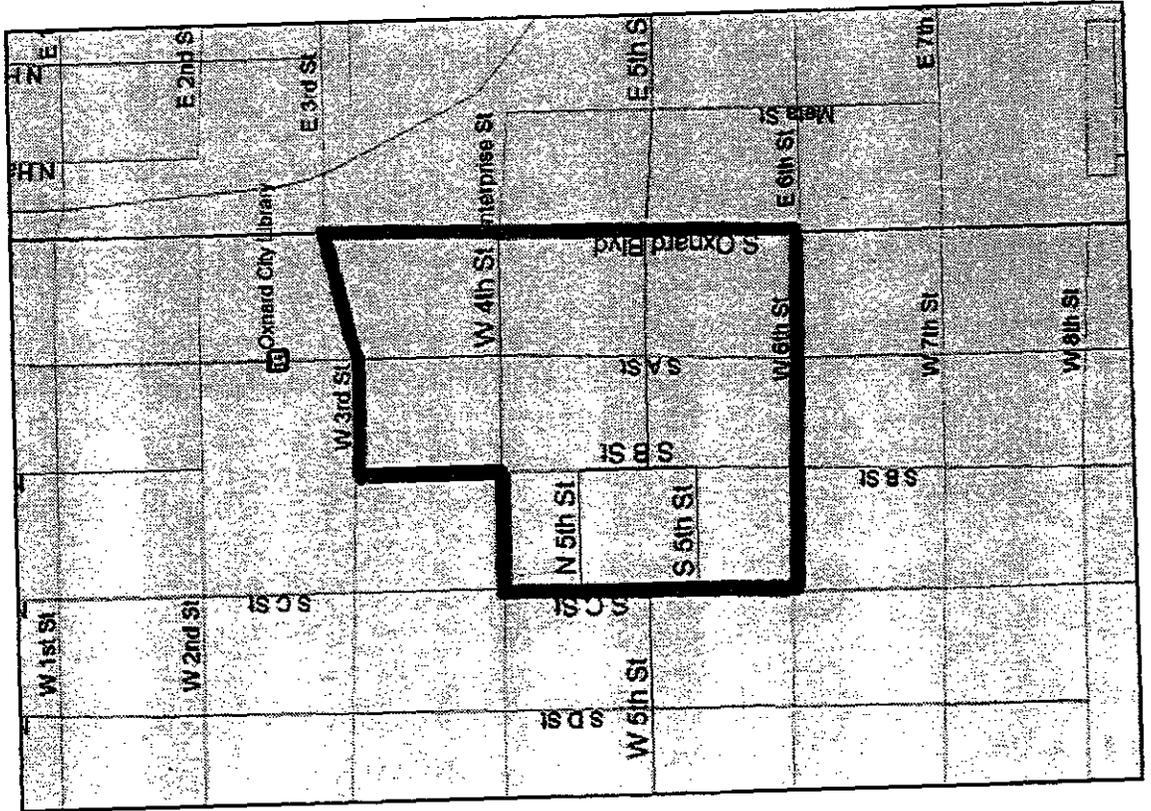
2nd: - North 480.00 feet to the Southeast corner of Block 8, of said Map of the Town of Oxnard, thence along the Westerly prolongation of the Southerly line of Block 9, and along the Southerly line of said block and along the Southerly line of Block 10,

3rd: - East 830.00 feet to a point on the Easterly line of Oxnard Boulevard, said point being also the Westerly line of Lot 2, of the Resubdivision of Subdivision 31 of the Rancho Colonia, as shown on a map recorded in Book 8, page 41 of Maps, thence along the Easterly line of said Boulevard,

4th: - South 1,520.00 feet to a point, that point being the Easterly prolongation of the North line of Lot 1, Block T, thence along the line which is the Easterly prolongation of the North line of Block T, as shown on said map of the Town of Oxnard and along the North line of said Block T, S, R, then,

5th: - West 1,210.00 feet to a point which is the Northeast corner of Block Q of said Town of Oxnard, thence along the Westerly line of "C" Street, 80.00 feet wide,

6th: - North 1,040.00 feet to the point of beginning.



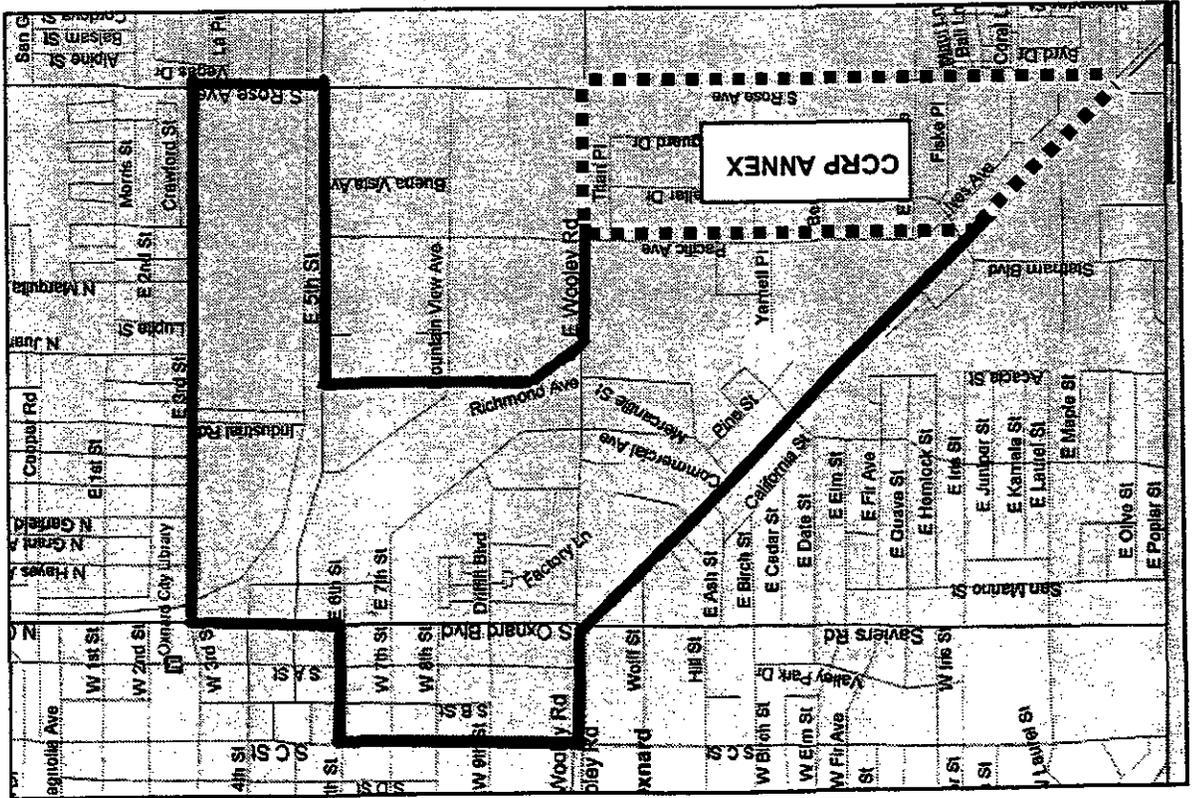
ATTACHMENT B (Continued) MERGED PROJECT LEGAL DESCRIPTION

CENTRAL CITY REVITALIZATION PROJECT Original Project Area Boundaries

That portion of the City of Oxnard described as follows:

Beginning at the Southerly terminus of the 2nd course of the annexation to the City of Oxnard No. 72-14 (Ruggles) filed as Document No. 7098, recorded February 5, 1974, in Book 4220, Pages 133-140 of Official Records, in the County of Ventura, State of California; thence following the boundary of said Annexation 72-14, and its Northerly prolongation,

- 1st: North 00° 03' 05" East to a point of intersection with the Southerly line of Wooley Road (60 feet wide); thence,
- 2nd: Westerly along the Southerly line of said Wooley Road, to a point of intersection with the Southerly prolongation of the Easterly line of Richmond Avenue (60 feet wide); thence,
- 3rd: Northerly along said Southerly prolongation and the Easterly line of Richmond Avenue, and its Northerly prolongation, to a point of intersection with the Southerly line of that certain parcel of land, recorded as Parcel "A" in Book 11, Page 18 of Parcel Maps of said Ventura County; thence along the Southerly line of said Parcel "A," and its Easterly prolongation,
- 4th: Easterly to a point of intersection with the Southwest corner of Parcel "B" as recorded in Book 17, Page 18 of Parcel Maps of said Ventura County; thence,
- 5th: Easterly along the Southerly boundary of said Parcel "B," and its Easterly prolongation, to a point of intersection with the Easterly line of Rose Avenue (79.00 feet); thence,
- 6th: Northerly along said Easterly line of Rose Avenue to a point of intersection with the Easterly prolongation of the Northerly line of Third Street (42.00 feet wide); thence,
- 7th: Westerly along said Easterly prolongation and the Northerly line of Third Street, to a point on the Easterly line of Oxnard Boulevard; thence along the Easterly line of said Boulevard, Southerly to a point, that point being the Easterly prolongation of the North line of Lot 1, Block "T," as shown on a map recorded in Book 5, Page 9 of Miscellaneous Records of said Ventura County; thence along the line which is the Easterly prolongation of the North line of Block "T," as shown on said map (5 MR 9) and along the North line of said Block "T," "S," "R," thence,
- 9th: Westerly to a point which is the Northeast corner of Block "Q" of said Map (5 MR 9); thence along the Westerly line of "C" Street (80 feet wide); thence,



ATTACHMENT B (Continued) MERGED PROJECT LEGAL DESCRIPTION

CENTRAL CITY REVITALIZATION PROJECT Original Project Area Boundaries

CCRP ANNEX Original Project Area Boundaries

<p>10th: Southerly to a point of intersection with the Northerly line of Eighth Street (80 feet wide); thence,</p> <p>11th: Easterly along the Easterly prolongation of said Eighth Street, to a point on the East line of "C" Street and being the Southwest corner of Lot 9, Block "W;" thence along said East line,</p> <p>12th: Southerly to a point on the Easterly prolongation of the South line of the land described in Book 835 at Page 333 of Official Records of said Ventura County, said line also being the South line of Ninth Street (60 feet wide); thence along said South line,</p> <p>13th: Westerly to a point of intersection with the Westerly line of "C" Street; thence,</p> <p>14th: Southerly along the Westerly line of said "C" Street, to a point of intersection with the Southerly line of Wooley Road (45 feet wide); thence,</p> <p>15th: Easterly along said Southerly line of Wooley Road to a point of intersection with the Northwesterly line of Oxnard Boulevard (100 feet wide); thence,</p> <p>16th: Southeasterly along said Oxnard Boulevard to a point, said point being the Southerly most terminus of the 3rd Course of the Annexation to the City of Oxnard No. 72-14 filed as Document No. 7098, recorded in Book 4220, Page 6 133-140 of Official Records, in said Ventura County; thence following the boundary of said Annexation 72-14,</p> <p>17th: North 46° 07' 30" East to the point of beginning.</p> <p>EXCEPT that property being bounded as follows:</p> <p>Easterly of a strip of land 25.00 feet in width whose Westerly boundary is contiguous with the Easterly boundary of a certain strip of land 15.00 feet in width conveyed to the Ventura County Railroad Company, recorded in Book 899, Page 60 of Official Records in said Ventura County; Southerly of the South line of Wooley Road, 60.00 feet wide to the Northerly line of Highway 1 (Oxnard Boulevard).</p>	<p>That portion of the City of Oxnard described as follows:</p> <p>Beginning at the Southerly terminus of the 2nd course of the annexation to the City of Oxnard No. 72-14 (Ruggles) filed as Document No. 7098, recorded February 5, 1974, in Book 4220, Pages 133-140 of Official Records, in the County of Ventura, State of California; thence, following the boundary of said Annexation 72-14, and its Northerly prolongation,</p> <p>1st: North 00° 03' 05" East to a point of intersection with the Southerly line of Wooley Road (60 feet wide); thence, along the Southerly line of said Wooley Road,</p> <p>2nd: Easterly to the Easterly line of the future Rose Avenue (110 feet wide); thence, along said Easterly line,</p> <p>3rd: Southerly to the Southwesterly line of Oxnard Boulevard (156 feet wide); thence, along said Southwesterly line,</p> <p>4th: Northwesterly along said Oxnard Boulevard to a point, said point being the Southerly most terminus of the 3rd Course of the Annexation to the City of Oxnard No. 72-14 filed as Document No. 7098, recorded in Book 4220, Pages 133-140 of Official Records, in said Ventura County; thence, following the boundary of said Annexation 72-14,</p> <p>5th: North 46° 07' 30" East to the point of beginning.</p>
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EXHIBIT "B"

MERGED PROJECT AREA MAP

State of California

County of _____

On _____ before me, _____,

(here insert name and title of the officer)

personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, DESCRIBING THE COMMUNITY DEVELOPMENT COMMISSION'S PROGRAM TO ACQUIRE PROPERTY WITHIN THE HISTORICAL ENHANCEMENT AND REVITALIZATION OF OXNARD REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN

WHEREAS, pursuant to Ordinance Number 2462, adopted on April 7, 1998, the Council of the City of Oxnard ("City") adopted a final redevelopment plan for the Historical Enhancement and Revitalization of Oxnard Redevelopment Project (the "Original Project Area"); and

WHEREAS, the redevelopment plan for the Original Project Area was amended by the City Council pursuant to Ordinance Number 2653 on March 23, 2004, adding territory to the existing Original Project Area and activating tax increment authority for the added area (the "First Amendment Area") and setting forth the adoption of the First Amendment identified as "Amended and Restated Redevelopment Plan for the HERO Redevelopment Project" (the redevelopment plan for the Original Project Area and First Amendment Area and all amendments thereto, including the Amended and Restated Redevelopment Plan for the HERO Redevelopment Project, are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, in accordance with California Health and Safety Code Section 33342.7(a), a legislative body that adopted a final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before July 1, 2007, that contains a description of the agency's program to acquire real property by eminent domain; and

WHEREAS, Sections 308 and 309 of the Redevelopment Plan, entitled Property Acquisition and Real Property, respectively, authorizes the use of the power of eminent domain within the Historical Enhancement and Revitalization of Oxnard Redevelopment Project Area by the Community Development Commission of the City of Oxnard ("CDC");

NOW, THEREFORE, by the Council of the City of Oxnard does ordain as follows:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. In accordance with California Health and Safety Code Section 33342.7(a), the Agency's program for exercise of eminent domain powers within the Historical Enhancement and Revitalization of Oxnard Redevelopment Project Area (the "Program") is as follows:

A. The following provisions described in Sections 308 and 309 of the

Redevelopment Plan, entitled Property Acquisition and Real Property, respectively:

The CDC may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, eminent domain, or any other means authorized by law. The CDC shall not acquire, by eminent domain, any property on which any persons reside. For the purposes of this plan, the term "property on which any persons reside" shall mean property which has been lawfully and continuously occupied as a residence during the 90-day period preceding adoption, by the CDC, of a resolution of necessity for acquisition of the property.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Area which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used to acquire property within the Original Project Area, must be commenced by April 7, 2010. No eminent domain proceeding to acquire property within the First Amendment Area shall be commenced after twelve (12) years following the adoption date of the City Council ordinance approving and adopting the First Amendment to the Plan.

B. Such limitation may be extended only by amendment of the Redevelopment Plan in the manner required by law.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. The City Council hereby authorizes and directs the City Manager to undertake such actions and execute such documents as may be reasonably necessary or convenient to the carrying out and administration of the actions authorized by this Ordinance.

Section 5. This Ordinance shall become effective thirty (30) days after its second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

AYES:

NOES:

ABSENT:

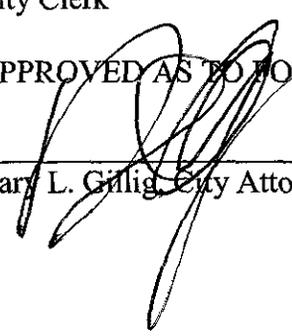
THE CITY OF OXNARD

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

Oxnard Community Development Commission
305 West Third Street
West Wing - Third Floor
Oxnard, CA 93030
Attn: Curtis Cannon

(Free Recording Requested Pursuant to Gov't Code Section 6103)

**THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS
LOCATED WITHIN THE ORMOND BEACH REDEVELOPMENT
PROJECT AREA**

ORMOND BEACH REDEVELOPMENT PROJECT STATEMENT

(RECORDING REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 33373)

1. Pursuant to Ordinance No. 1990, adopted on November 22, 1983, the City Council of the City of Oxnard ("City Council") adopted a final redevelopment plan for the Ormond Beach Project Area (the "Project").

2. The Project was amended by the City Council by pursuant to Ordinance No. 2346 (adopted on November 8, 1994), and Ordinance No. 2480 (adopted on January 12, 1999), imposing various operative dates and financial limits in compliance with the Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.).

3. The City Council further amended the Project by adopting Ordinance No. 2528 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area (the Project and all amendments thereto including the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area are hereinafter collectively referenced as the "Redevelopment Plan").

4. The Ormond Beach Redevelopment Project Area ("Project Area") contains the properties described in the Project Area Description, attached hereto as Exhibit "A" and incorporated herein by this reference, and is depicted in the Project Area Map, attached hereto as Exhibit "B" and incorporated herein by this reference.

5. Section 306 of the Redevelopment Plan, entitled Real Property, generally authorizes the use of eminent domain power on any property within the Project Area by the Community Development Commission of the City of Oxnard ("CDC"), as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

000046

Attachment #4
Page 1 of 8

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Areas which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method.

6. The limitations on the use of eminent domain power within the Project Area by the Agency are the following:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

The CDC shall not acquire, by eminent domain, any property on which any persons reside.

Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan and for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

7. This Ormond Beach Redevelopment Project Statement is recorded in conformance with California Health and Safety Code section 33373.

IN WITNESS WHEREOF, the authorized representative of the Oxnard Community Development Commission has executed this instrument.

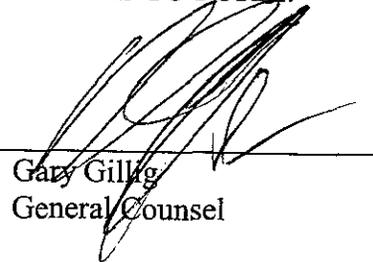
City of Oxnard Community
Community Development Commission

Dated: _____, 2007

By: _____
Thomas E. Holden
Chairperson

APPROVED AS TO FORM:

By:



Gary Gillig
General Counsel

NOTARIZATION REQUIRED

EXHIBIT "A"

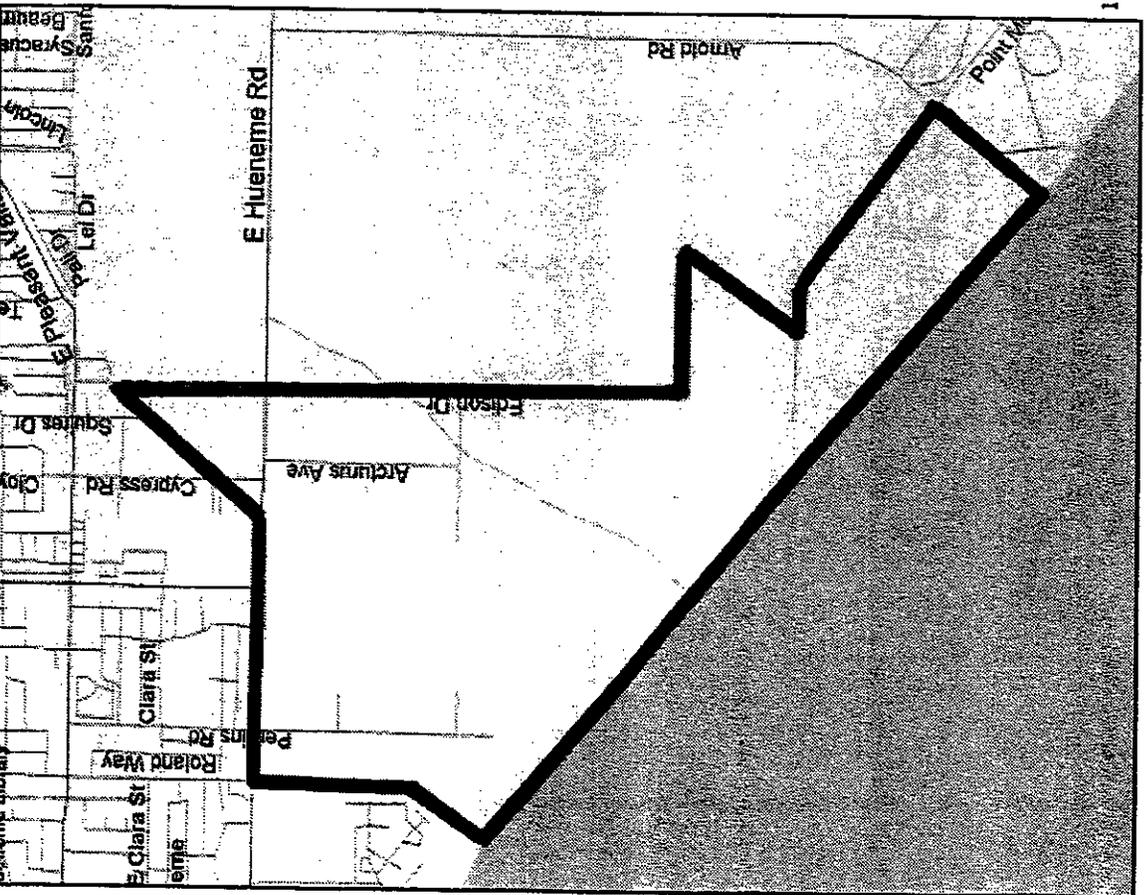
PROJECT AREA DESCRIPTION

All that certain real property situated in the City of Oxnard, County of Ventura, State of California, described as follows:

The boundaries of the Project Area are shown on the "Project Area Map," attached hereto as Attachment A, and described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment B, and incorporated herein by reference.

EXHIBIT "B"
PROJECT AREA MAP

ATTACHMENT B ORMOND BEACH REDEVELOPMENT PROJECT



Legal Description

A portion of subdivision 76, 80, 81, 83, 84 and 85 of the Rancho El Rio De Santa Clara O La Colonia, as delineated on a map filed at the office of the County Clerk of Ventura County, State of California, in an action entitled "Thomas A. Scott, et al., Plaintiffs, vs. Rafael Gonzales, et al., Defendants," and more particularly described as follows:

Beginning at the intersection of a point 500 feet beyond the ordinary high tide line of the Pacific Ocean with the southwesterly prolongation of the northwesterly line of a strip of land 70.50 feet wide described in the Deed of the City of Oxnard to Ventura Flood Control District recorded in the office of the County Recorder of Ventura County, in Book 1482, Page 113, of Official Records; thence, along said northwesterly prolongation, and westerly line for the first three courses,

- 1st: North 34° - 58' - 30" East 2,081 feet to a tangent curve concave to the northwest and having a radius of 382.32 feet and a delta of 35° - 00' - 00"; thence, along said course
- 2nd: Northeasterly, Northerly 356 feet to a tangent line; thence, along said tangent line,
- 3rd: North 00° - 01' - 30" West 1,484 feet to the north boundary of Hueneme Road (100 feet wide); thence, along said north boundary,
- 4th: East 2,564 feet to the easterly line of Saviers Road (100 feet wide); thence, along said easterly line,
- 5th: South 25 feet to the northerly line of Hueneme Road (50 feet wide); thence, along said northerly line,
- 6th: East 979 feet to the northwesterly line of Ventura County Railway Company (50 feet wide); thence, along said northwesterly line for the next five courses,
- 7th: North 42° - 20' East 840 feet more or less to a tangent curve concave to the southeast having a radius of 2,889.40 feet and a delta of 07° - 16' - 25"; thence, along said curve
- 8th: Northeasterly, 367 feet to a tangent line; thence, along said tangent line,
- 9th: North 49° - 36' - 25" East 1,675 feet to a tangent curve concave to the northwest having a radius of 1,110.85 feet and a delta of 30° - 16' - 25"; thence, along said curve
- 10th: Northeasterly 587 feet to a tangent line; thence, along said tangent,

ATTACHMENT B (Continued) ORMOND BEACH REDEVELOPMENT PROJECT

Legal Description

<p>11th: North 19° - 20' East 61 feet to the west line of property 30 feet wide called "Shoestring to the Pacific Ocean," recorded in Book 787, Page 149, of said County; thence, along said west line,</p> <p>12th: South 2,565 feet to the south boundary of said Hueneme Road (50 feet wide); thence, along said south boundary;</p> <p>13th: South 89° - 54' - 00" East 330 feet to the northeast property corner recorded in Book 3233, Page 19, of said County; thence, along the east line of said Book 3233, Page 19,</p> <p>14th: South 00° - 01' - 00" East 2,614.92 feet to the southeast property corner of said Book 3233, Page 19; thence, along the south line of said Book 3233, Page 19,</p> <p>15th: North 89° - 54' - 00" West 300.00 feet to the northeast corner of Lot 6, of said subdivision 84; thence, along the east line of said Lot 6,</p> <p>16th: South 00° - 00' - 45" East 2,645.13 feet to the southeast corner of said Lot 6; also being the southwest corner of Lot 5, of said subdivision 84; thence, along the south line of said Lot 5,</p>	<p>17th: South 89° - 57' - 30" East 1,853.24 feet to the easterly end of the 7th course of Annexation No. 61-3 to the City of Oxnard recorded as Document No. 25610 recorded on June 16, 1961; thence, along the boundary of said Annexation No. 61-3 for the next six courses,</p> <p>18th: South 13° - 31' - 30" West 1,286.20 feet; thence,</p> <p>19th: South 02° - 04' - 30" West 1,292.60 feet; thence,</p> <p>20th: South 16° - 35' - 23" East 104.30 feet; thence,</p> <p>21st: South 89° - 56' - 30" East 513.25 feet; thence,</p> <p>22nd: South 53° - 42' - 30" East 1,511.81 feet to the southeasterly line of Arnold Road (60 feet wide); thence, along said southeasterly line,</p> <p>23rd: South 40° - 10' - 30" West 2,512 feet to a point 500 feet beyond the line of ordinary high tide of the Pacific Ocean; thence, along said line 500 feet from the ordinary tide line,</p> <p>24th: Northwesterly to the Point of Beginning, and containing 1,334 acres.</p>
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State of California

County of _____

On _____ before me, _____,

(here insert name and title of the officer)

personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Ordinance No. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF OXNARD,
CALIFORNIA, DESCRIBING THE COMMUNITY DEVELOPMENT
COMMISSION'S PROGRAM TO ACQUIRE PROPERTY BY
EMINENT DOMAIN WITHIN THE SOUTHWINDS PROJECT AREA
PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE
SECTION 33342.7(a)

WHEREAS, pursuant to Ordinance No. 2040, adopted on June 18, 1985, the City Council of the City of Oxnard ("City Council") adopted a final redevelopment plan for the Southwinds Project Area (the "Project"); and

WHEREAS, the Project was amended by the City Council by pursuant to Ordinance No. 2345 (adopted on November 8, 1994), and Ordinance No. 2479 (adopted on January 12, 1999), imposing various operative dates and financial limits in compliance with the Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.); and

WHEREAS, the City Council further amended the Project by adopting Ordinance No.2528 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Southwinds Project Area (the Project and all amendments thereto including the Amended and Restated Redevelopment Plan for the Southwinds Project Area are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, in accordance with California Health and Safety Code section 33342.7(a), which went into effect on January 1, 2007, a legislative body that adopted a final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before July 1, 2007, that contains a description of the redevelopment agency's ("Agency's") program to acquire real property by eminent domain ("Program"); and

WHEREAS, the Redevelopment Plan contains a description of the Community Development Commission of the City of Oxnard ("CDC")'s Program that is applicable to the Southwinds Project Area.

NOW, THEREFORE, by the City Council of the City of Oxnard does ordain as follows:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. In accordance with California Health and Safety Code Section 33342.7(a), the CDC's program for exercise of eminent domain powers within the Southwinds Project Area (the "Program") is as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law. The use of eminent domain is restricted to the commercial area along Hueneme Road from J Street to Perkins Road and shall not be used in the residential area. The CDC shall not acquire, by eminent domain, any property on which any persons reside.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Areas which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan and for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. The City Council hereby authorizes and directs the City Manager to undertake such actions and execute such documents as may be reasonably necessary or convenient to the carrying out and administration of the actions authorized by this Ordinance.

Section 5. This Ordinance shall become effective thirty (30) days after its second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

AYES:

NOES:

ABSENT:

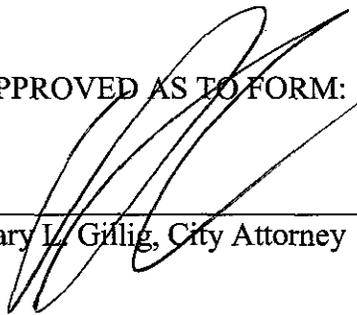
THE CITY OF OXNARD

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

Community Development Commission of the
City of Oxnard
305 West Third Street
West Wing - Third Floor
Oxnard, CA 93030
Attn: Curtis Cannon

(Free Recording Requested Pursuant to Gov't Code Section 6103)

**THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS
LOCATED WITHIN THE SOUTHWINDS REDEVELOPMENT
PROJECT AREA**

SOUTHWINDS REDEVELOPMENT PROJECT STATEMENT

(RECORDING REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 33373)

1. Pursuant to Ordinance No. 2040, adopted on June 18, 1985, the City Council of the City of Oxnard ("City Council") adopted a final redevelopment plan for the Southwinds Project Area (the "Project")
2. The Project was amended by the City Council by pursuant to Ordinance No. 2345 (adopted on November 8, 1994), and Ordinance No. 2479 (adopted on January 12, 1999), imposing various operative dates and financial limits in compliance with the Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.).
3. The City Council further amended the Project by adopting Ordinance No.2528 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Southwinds Project Area (the Project and all amendments thereto including the Amended and Restated Redevelopment Plan for the Southwinds Project Area are hereinafter collectively referenced as the "Redevelopment Plan").
4. The Southwinds Redevelopment Project Area ("Project Area") contains the properties described in the Project Area Description, attached hereto as Exhibit "A" and incorporated herein by this reference, and is depicted in the Project Area Map, attached hereto as Exhibit "B" and incorporated herein by this reference.
5. Section 306 of the Redevelopment Plan, entitled Real Property, generally authorizes the use of eminent domain power on any property within the Project Area by the Community Development Commission of the City of Oxnard ("CDC"), as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

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Attachment #6
Page 1 of 7

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Areas which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method.

6. The limitations on the use of eminent domain power within the Project Area by the Agency are the following:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

The use of eminent domain is restricted to the commercial area along Hueneme Road from J Street to Perkins Road and shall not be used in the residential area. The CDC shall not acquire, by eminent domain, any property on which any persons reside.

Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan and for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

7. This Southwinds Redevelopment Project Statement is recorded in conformance with California Health and Safety Code section 33373.

IN WITNESS WHEREOF, the authorized representative of the Community Development Commission of the City of Oxnard has executed this instrument.

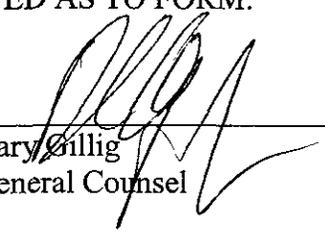
City of Oxnard Community
Development Commission

Dated: _____, 2007

By: _____
Thomas E. Holden
Chairperson

APPROVED AS TO FORM:

By: _____


Gary Ollig
General Counsel

NOTARIZATION REQUIRED

EXHIBIT "A"

PROJECT AREA DESCRIPTION

All that certain real property situated in the City of Oxnard, County of Ventura, State of California, described as follows:

The boundaries of the Project Area are shown on the "Project Area Map," attached hereto as Attachment A, and described in the "Legal Description of the Project Area Boundary," attached hereto as Attachment B, and incorporated herein by reference.

EXHIBIT "B"

PROJECT AREA MAP

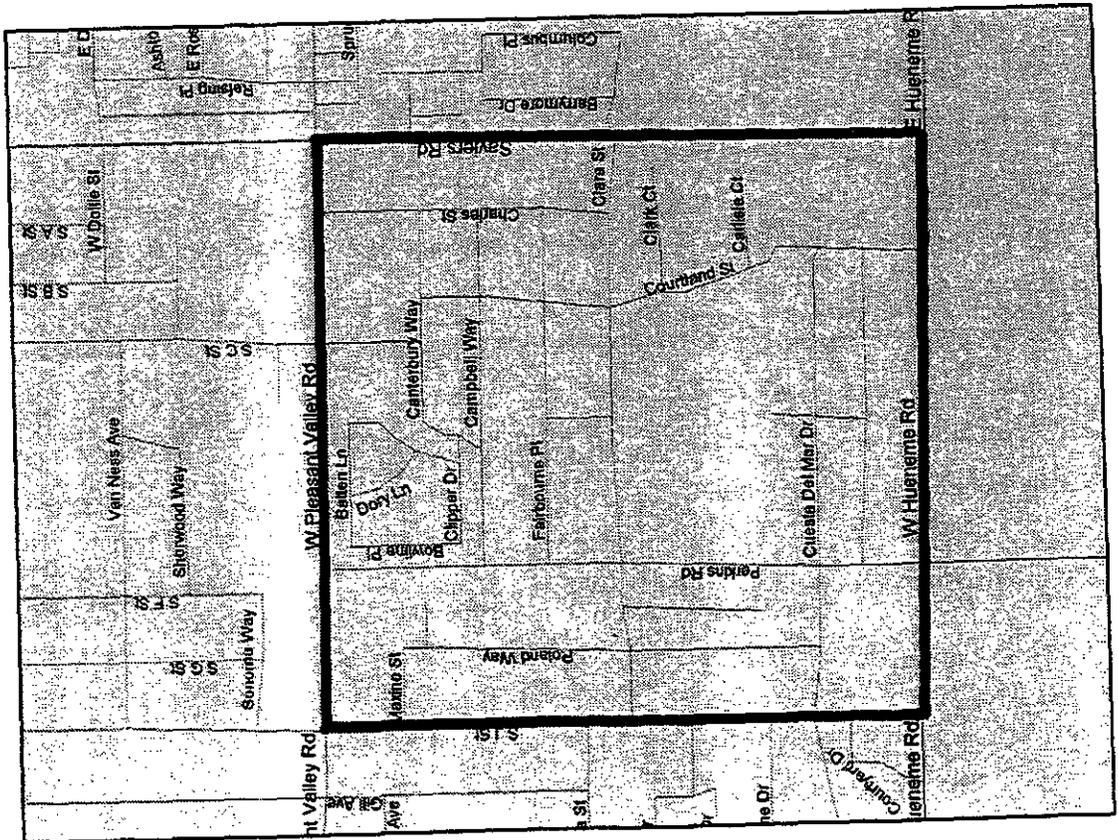
ATTACHMENT B SOUTHWINDS REDEVELOPMENT PROJECT

Legal Description

A portion of subdivision 83 and 85 of the Rancho El Rio de Santa Clara O La Colonia, as delineated on a map filed at the office of the County Clerk of Ventura County, State of California, in an action entitled "Thomas A. Scott et. al.; Plaintiffs, vs. Rafael Gonzales, et. al., Defendants", and more particularly described as follows:

Beginning at the intersection of the west line of Ventura County Flood Control Channel (52 feet wide) as shown on Tract 1365 recorded in the office of the County Recorder of said Ventura County in Miscellaneous Records in Book 31, Page 53, with the north line of Hueneme Road (100 feet wide); thence along said west line,

- 1st: Northerly to the center line of Pleasant Valley Road (70 feet wide) said center line being 30 feet north of Pleasant Valley Road south line; thence, along said center line,
- 2nd: Easterly to the east line of Saviers Road (100 feet wide); thence, along said east line,
- 3rd: Southerly to said north line of Hueneme Road; thence, along said north line,
- 4th: Westerly to the Point of Beginning and containing 131 acres, more or less.



State of California

County of _____

On _____ before me, _____,

(here insert name and title of the officer)

personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Ordinance No. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, DESCRIBING THE COMMUNITY DEVELOPMENT COMMISSION'S PROGRAM TO ACQUIRE PROPERTY BY EMINENT DOMAIN WITHIN THE ORMOND BEACH PROJECT AREA PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33342.7(a)

WHEREAS, pursuant to Ordinance No. 1990, adopted on November 22, 1983, the City Council of the City of Oxnard ("City Council") adopted a final redevelopment plan for the Ormond Beach Project Area (the "Project"); and

WHEREAS, the Project was amended by the City Council by pursuant to Ordinance No. 2346 (adopted on November 8, 1994), and Ordinance No. 2480 (adopted on January 12, 1999), imposing various operative dates and financial limits in compliance with the Community Redevelopment Law (Health & Safety Code, Sections 33000, et seq.); and

WHEREAS, the City Council further amended the Project by adopting Ordinance No.2527 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area (the Project and all amendments thereto including the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, in accordance with California Health and Safety Code section 33342.7(a), which went into effect on January 1, 2007, a legislative body that adopted a final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before July 1, 2007, that contains a description of the redevelopment agency's program to acquire real property by eminent domain ("Program"); and

WHEREAS, the Redevelopment Plan contains a description of the Community Development Commission of the City of Oxnard ("CDC")'s Program that is applicable to the Ormond Beach Project Area.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. In accordance with California Health and Safety Code Section 33342.7(a), the CDC's program for exercise of eminent domain powers within the Ormond Beach Project Area (the "Program") is as follows:

A. The following provisions described in Section 307 of the Redevelopment Plan, entitled Real Property:

[T]he CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law. The CDC shall not acquire, by eminent domain, any property on which any persons reside.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Areas which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective. [Twelve (12) years from the effective date is August 17, 2012.]

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein [in the Amended and Restated Redevelopment Plan]. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

B. Such limitation may be extended only by amendment of the Plan in the manner required by law.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. The City Council hereby authorizes and directs the City Manager to undertake such actions and execute such documents as may be reasonably necessary or convenient to the carrying out and administration of the actions authorized by this Ordinance.

Section 5. This Ordinance shall become effective thirty (30) days after its second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007.

AYES:

NOES:

ABSENT:

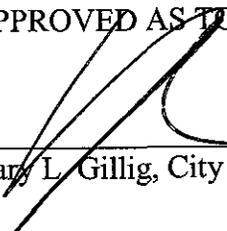
THE CITY OF OXNARD

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

Community Development Commission of the
City of Oxnard
305 West Third Street
West Wing - Third Floor
Oxnard, CA 93030
Attn: Curtis Cannon

(Free Recording Requested Pursuant to Gov't Code Section 6103)

**THE PROPERTY THAT IS THE SUBJECT OF THIS STATEMENT IS
LOCATED WITHIN THE HISTORICAL ENHANCEMENT AND
REVITALIZATION REDEVELOPMENT PROJECT AREA**

**HISTORICAL ENHANCEMENT AND REVITALIZATION OF OXNARD
REDEVELOPMENT PROJECT AREA STATEMENT**

(RECORDING REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 33373)

1. Pursuant to Ordinance Number 2462, adopted on April 7, 1998, the Council of the City of Oxnard ("City") adopted a final redevelopment plan for the Historical Enhancement and Revitalization of Oxnard Redevelopment Project (the "Original Project Area"); and

2. The redevelopment plan for the Original Project Area was amended by the City Council pursuant to Ordinance Number 2653 on March 23, 2004, adding territory to the existing Original Project Area and activating tax increment authority for the added area (the "First Amendment Area") and setting forth the adoption of the First Amendment identified as "Amended and Restated Redevelopment Plan for the HERO Redevelopment Project" (the redevelopment plan for the Original Project Area and First Amendment Area and all amendments thereto, including the Amended and Restated Redevelopment Plan for the HERO Redevelopment Project, are hereinafter collectively referenced as the "Redevelopment Plan"); and

3. The Original Project Area and First Amendment Area ("Project Areas") contain the properties described in the Project Areas Description, attached hereto as Exhibit "A" and incorporated herein by this reference, and is depicted in the Project Areas Map, attached hereto as Exhibit "B" and incorporated herein by this reference.

4. Sections 308 and 309 of the Redevelopment Plan, entitled Property Acquisition and Real Property, respectively, generally authorize the use of eminent domain power on any property within the Project Area by the Community Development Commission of the City of Oxnard ("CDC"), as follows:

A. The following provisions described in Sections 308 and 309 of the Redevelopment Plan, entitled Property Acquisition and Real Property, respectively:

The CDC may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, eminent domain, or any other means authorized by law.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Area which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method.

5. The limitations on the use of eminent domain power within the Project Area by the CDC are the following:

B. The following provisions described in Sections 308 and 309 of the Redevelopment Plan, entitled Property Acquisition and Real Property, respectively:

The CDC shall not acquire, by eminent domain, any property on which any persons reside. For the purposes of this plan, the term "property on which any persons reside" shall mean property which has been lawfully and continuously occupied as a residence during the 90-day period preceding adoption, by the CDC, of a resolution of necessity for acquisition of the property.

Eminent domain proceedings, if used to acquire property within the Original Project Area, must be commenced by April 7, 2010. No eminent domain proceeding to acquire property within the First Amendment Area shall be commenced after twelve (12) years following the adoption date of the City Council ordinance approving and adopting the First Amendment to the Plan.

B. Such limitation may be extended only by amendment of the Redevelopment Plan in the manner required by law.

6. This Historical Enhancement and Revitalization of Oxnard Redevelopment Project Area Statement is recorded in conformance with California Health and Safety Code section 33373.

IN WITNESS WHEREOF, the authorized representative of the CDC has executed this instrument.

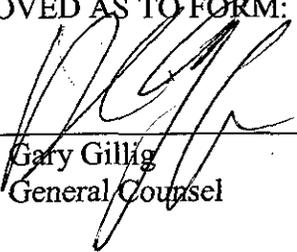
City of Oxnard Community
Development Commission

Dated: _____, 2007

By: _____
Thomas E. Holden
Chairperson

APPROVED AS TO FORM:

By: _____


Gary Gillig
General Counsel

NOTARIZATION REQUIRED

EXHIBIT "A"

PROJECT AREAS DESCRIPTION

All that certain real property situated in the City of Oxnard, County of Oxnard, State of California, described as follows:

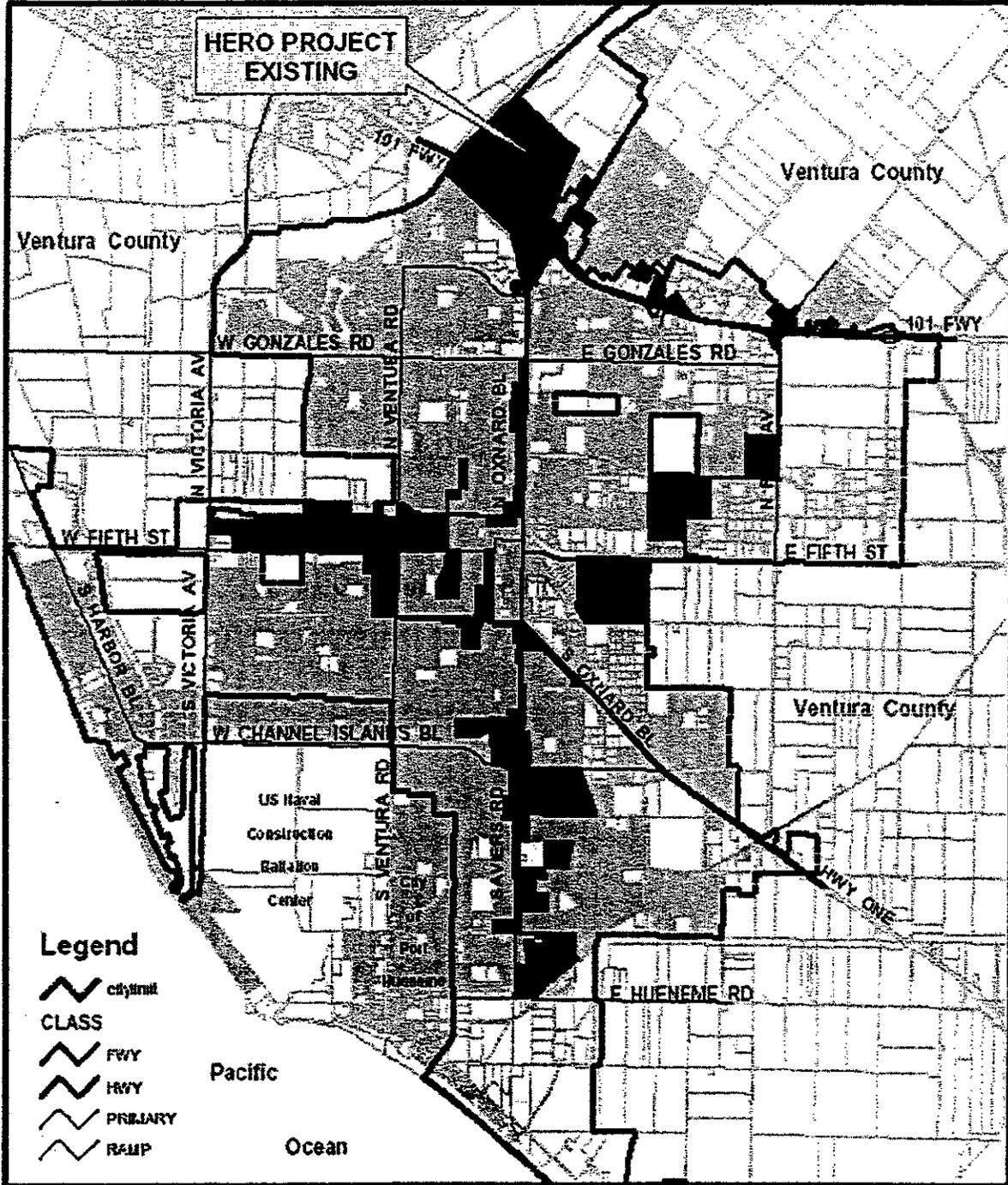
The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1, and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference.

EXHIBIT "B"
PROJECT AREAS MAP

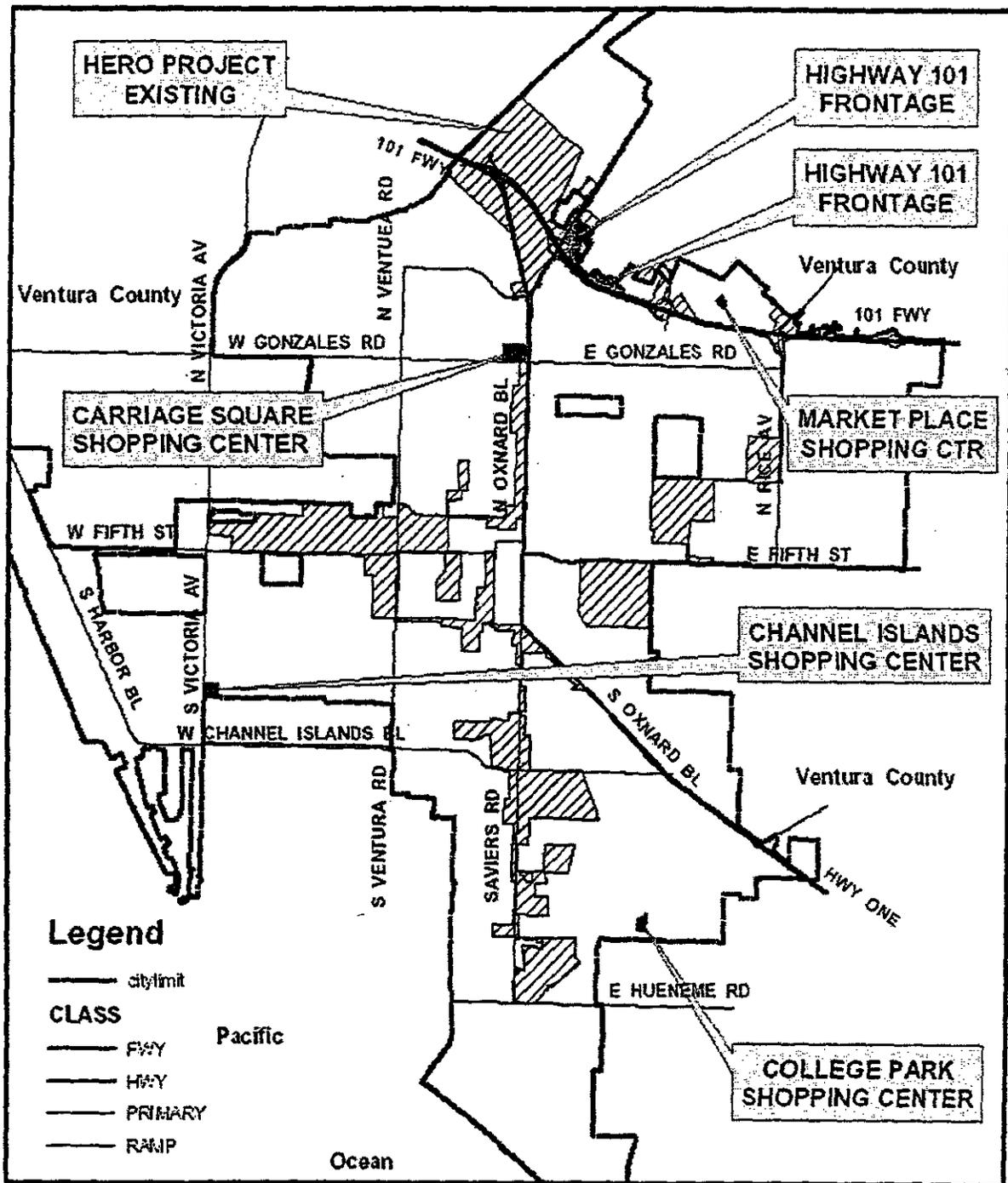
ATTACHMENT NO. 2

PROJECT AREA MAP

ORIGINAL PROJECT AREA



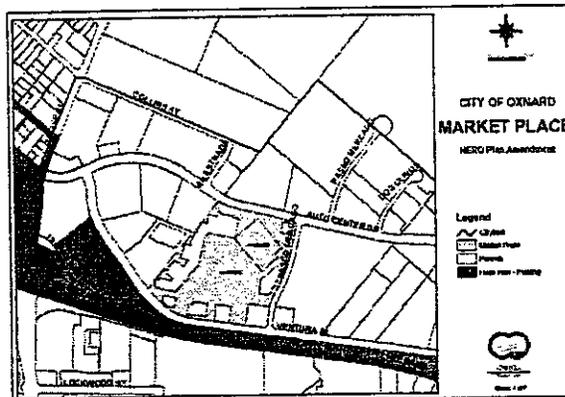
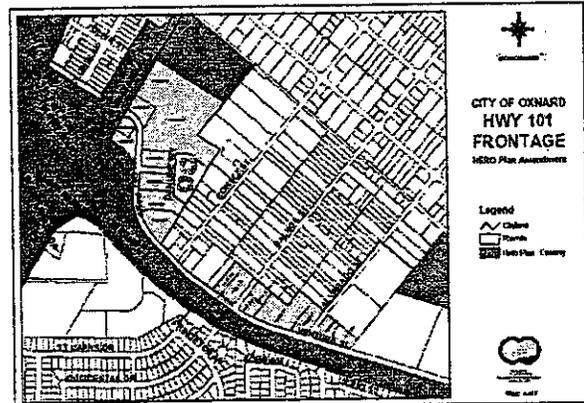
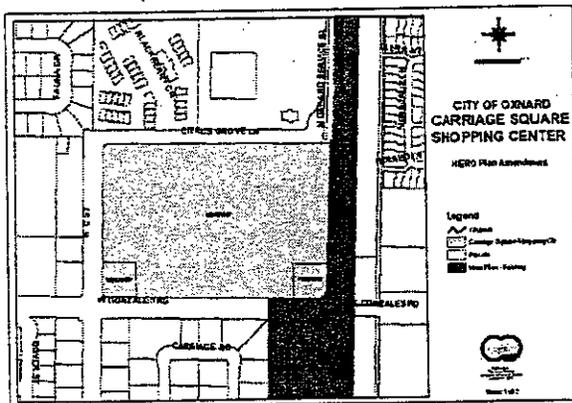
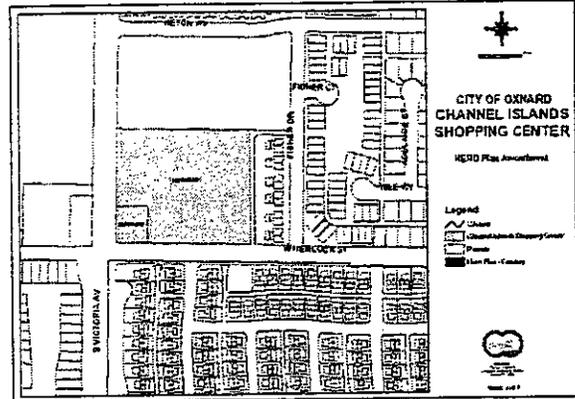
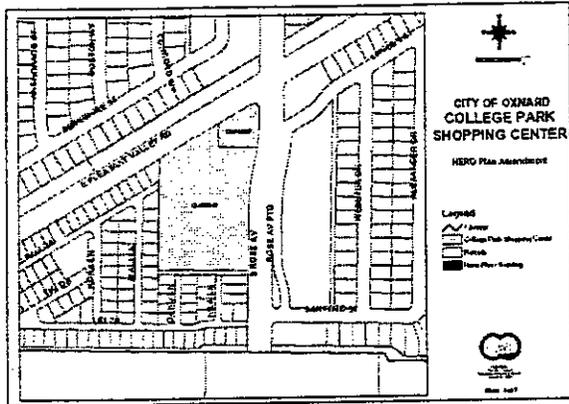
ATTACHMENT NO. 2
PROJECT AREA MAP
FIRST AMENDMENT AREA



ATTACHMENT NO. 2

PROJECT AREA MAP

FIRST AMENDMENT AREA (Continued)



State of California)
)
County of)

On _____ before me, _____,
(here insert name and title of the officer)

personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)