

Ordinance No. 2737

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

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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, BE IT ORDAINED, by the City Council, 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. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. \_\_\_\_\_ was first read on June 19, 2007, and finally adopted on June 26, 2007, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

THE CITY OF OXNARD

\_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

ATTEST:

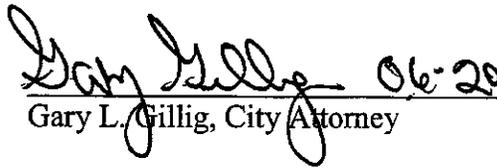
\_\_\_\_\_  
Daniel Martinez  
City Clerk

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APPROVED AS TO FORM:

 06-20-07  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

APPROVED AS TO FORM:  
KANE BALLMER & BERKMAN

\_\_\_\_\_  
Murray O. Kane, Special Counsel

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