

ORDINANCE NO. 2738

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 OXANRD 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, BE IT ORDAINED, by the City Council of the City of Oxnard, 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. 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

APPROVED AS TO FORM:

Gary L. Gillig 06-20-07

Gary L. Gillig, City Attorney

APPROVED AS TO FORM:
KANE BALLMER & BERKMAN

Murray O. Kane, Special Counsel

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