

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2830

ORDINANCE OF THE CITY OF OXNARD APPROVING THIRD AMENDMENT TO THE RIVERPARK DEVELOPMENT AGREEMENT NO. A-6128 (PZ 10-670-02) WITH RIVERPARK A; RIVERPARK B; E.D., E.D. 2, KOH, KOH 12-17, RP PROPERTIES, RIVERPARK COLLECTION, RIVERPARK POINTE, RIVERPARK LANDING, AND RIVERPARK HOTEL.

WHEREAS, Government Code Section No. 65864 et seq. authorizes the City Council to adopt development agreements; and

WHEREAS, Government Code Section No. 65868 et seq. authorizes the City Council to adopt amendments to development agreements; and

WHEREAS, the City Council and RiverPark A; RiverPark B; E.D., E.D. 2, KOH, KOH 12-17, RP Properties, Riverpark Collection, Riverpark Pointe, RiverPark Landing, and Riverpark Hotel (collectively "Riverpark Developers") wish to enter into a Third Amendment to the RiverPark Development Agreement (No. A-6128, on file with the City Clerk's Office), dated August 27, 2002; and

WHEREAS, the Environmental Impact Report (the "EIR") for the RiverPark project, which the City certified in August of 2002, evaluated the impacts of the RiverPark project, and the proposed amendment would not constitute a change in the RiverPark project that requires subsequent environmental review under the California Environmental Quality Act. Rather, the previously certified EIR provides adequate CEQA clearance for this amendment; and

WHEREAS, the City Council has considered the information contained in such EIR before approving this project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project is a logical refinement of the RiverPark Development Agreement and that the proposed Third Amendment to the RiverPark Development Agreement is consistent with the 2020 General Plan; and

WHEREAS, the City Council provided notice of its intent to consider the third amendment to the RiverPark Development Agreement in accordance with the requirements set forth in Section 65867 of the Government Code; and

WHEREAS, on September 28, 2010, the City Council conducted a public hearing on the third amendment to the RiverPark Development Agreement in accordance with the requirements set forth in Section 65867 of the Government Code.

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

Part 1. The "Third Amendment to Development Agreement" between the City and RiverPark Developers, consisting of 12 agreements, identical except for the signatories, on file with the City

Clerk, is hereby adopted.

Part 2. The Mayor is authorized to execute on behalf of the City the "Third Amendment to the RiverPark Development Agreement" between the City and RiverPark Developers.

Part 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. 2830 was first read on September 28, 2010, and finally adopted on _____, 2010, to become effective thirty days thereafter. Not later than ten (10) days after such date, the City Clerk shall record a copy of the Third Amendment to the RiverPark Development Agreement in the office of the Ventura County Recorder.

PASSED AND ADOPTED this ____ day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney