

CITY COUNCIL OF THE CITY OF OXNARD

I-6

ORDINANCE NO. 2832

AN ORDINANCE OF THE CITY OF OXNARD APPROVING A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. A-7113 BETWEEN THE CITY OF OXNARD AND OXNARD DEVELOPMENT COMPANY, A CALIFORNIA LIMITED LIABILITY COMPANY

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 of Oxnard ("City") and Oxnard Development Company LLC, a California limited liability company ("Oxnard Development Company") wish to enter into a First Amendment to the Development Agreement No. A-7113, dated November 18, 2008, previously entered into by the parties and on file with the City Clerk's Office (the "Development Agreement"); 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, of which the property subject to the Development Agreement is a part, and the proposed first amendment to the Development Agreement (the "First Amendment to Development Agreement") 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 First Amendment to Development Agreement; and

WHEREAS, the City Council has considered the information contained in such EIR before approving this First Amendment to Development Agreement; and

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

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

WHEREAS, on _____, 2010, the City Council conducted a public hearing on this First Amendment to 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 "First Amendment to Development Agreement" between the City and Oxnard Development Company, on file with the City Clerk, is hereby adopted.

Part 2. The Mayor is authorized on behalf of the City to execute the "First Amendment to Development Agreement" between the City and Oxnard Development Company.

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. _____ was first read on _____, 2010, and was 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 First Amendment to the Development Agreement between the City of Oxnard and Oxnard Development Company in the office of the Ventura County Recorder.

PASSED AND ADOPTED this ____ day of _____, 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