

ORDINANCE NO. 786 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES,
CALIFORNIA, AMENDING ORDINANCE NO. 540 N.S. APPROVING AND
ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Paso Robles (the "City Council"), adopted by Ordinance No. 540 N.S. on November 30, 1987, the Redevelopment Plan (the "Redevelopment Plan") for the Paso Robles Redevelopment Project (the "Project"); and

WHEREAS, the Redevelopment Agency of the City of Paso Robles (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Paso Robles the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, the Agency has proposed an Amendment No. 1 to the Redevelopment Plan for the Redevelopment Project (the "Amendment") to extend for twelve (12) years the power of eminent domain; and

WHEREAS, the Planning Commission of the City of Paso Robles (the "Planning Commission") has reviewed the Amendment and recommended the approval and adoption of the Amendment, together with its certification that the Amendment conforms to the General Plan of the City of Paso Robles; and

WHEREAS, the City Council has received from the Agency the proposed Amendment, together with the Report of the Agency to the Council and the Negative Declaration on the Amendment; and

WHEREAS, the City Council and the Agency held a joint public hearing on December 7, 1999, on the adoption of the Amendment and on approval of the Negative Declaration Amendment, in the City Council Chambers, City Hall, 1000 Spring Street, Paso Robles, California 93446; and

WHEREAS, a notice of said hearing was duly and regularly published in the Telegram Tribune, a newspaper of general circulation in the City of Paso Robles, once a week for three successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Secretary of the Agency; and

WHEREAS, copies of the notice of public hearing, together with a statement concerning acquisition of property by the Agency, were mailed by first-class, certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the Project Area, as shown on the last equalized assessment roll of the County of San Luis Obispo; and

WHEREAS, copies of the notice of public hearing were mailed by first-class, certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the existing Project Area; and

WHEREAS, copies of a statement concerning acquisition of property by the Agency were mailed by first-class, certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the Project Area, as shown on the last equalized assessment roll of the County of San Luis Obispo; and

WHEREAS, copies of the notice of public hearing were mailed by first-class, certified mail with return receipt requested to the residents and businesses within the Project Area; and

WHEREAS, the Council has considered the Report of the Agency to the Council, the report and recommendation of the Planning Commission, the Amendment, and the Negative Declaration, and provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Amendment;

WHEREAS, the Agency and the City Council have reviewed and considered the Negative Declaration, and determined that the Amendment will not have a significant effect on the environment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. The purposes and intent of the City Council with respect to the Amendment are to extend the Agency's power to acquire by eminent domain property in the Project Area. The Redevelopment Plan, as originally adopted, provides that the Agency's power to acquire property through the use of eminent domain expires twelve (12) years from the effective date of the Ordinance adopting the Redevelopment Plan. The Amendment will extend the time limit for the Agency to acquire property in the Project Area through the use of eminent domain for an additional twelve (12) year period. Extension of the Agency's power to acquire property by eminent domain will enable the Agency to continue its efforts to implement the existing Redevelopment Plan.

SECTION 2. The City Council does hereby specifically find and determine that:

a. At the time the Redevelopment Plan was originally adopted, the City Council found and determined that the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law. Many of the blighting conditions that existed at that time still exist within the Project Area. The Amendment will not add additional area to the Project Area, but will merely extend the time limit for the Agency to acquire property in the Project Area through the use of eminent domain to enable the Agency to continue its efforts to implement the existing Redevelopment Plan.

b. The Amendment will enable the Project Area to continue to be redeveloped in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that adoption of the Amendment will enable the Agency to continue to implement the goals and objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Project Area; provide for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; providing affordable housing, including housing for low- and moderate-income persons; provide additional employment opportunities, and provide for higher economic utilization of potentially useful land.

c. The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based upon the fact that under the Redevelopment Plan the Agency is authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance depends on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Redevelopment Plan no public redevelopment activities will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity. The Amendment will extend the time limit for the Agency to acquire property in the Project Area through the use of eminent domain for an additional twelve (12) year period. Extension of the Agency's power to acquire property by eminent domain will enable the Agency to continue its efforts to implement the existing Redevelopment Plan.

d. The Amendment is consistent with the General Plan of the City of Paso Robles, including, but not limited to, the housing element, which substantially complies with the requirements of the State housing laws. This finding is based on the report of the Planning Commission that the Amendment conforms to the General Plan of the City of Paso Robles.

e. The carrying out of the Amendment will promote the public peace, health, safety and welfare of the City of Paso Robles and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon the fact that the continued implementation of the Redevelopment Plan, as amended by the Amendment, will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.

f. The condemnation of real property within the Project Area, as provided for in the Amendment, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon: (1) the need to ensure that the provisions of the Redevelopment Plan will continue to be carried out; and (2) the need to continue existing efforts to prevent the recurrence of blight; and (3) the fact that the Agency will utilize its authority to acquire property by eminent domain only as a last resort.

g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based upon the fact that the existing Redevelopment Plan provides for relocation assistance according to law.

h. There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that the existing Redevelopment Plan provides that no person or family will be required to move from any dwelling unit in the Project Area until suitable replacement housing is available.

i. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units housing persons and families of low or moderate income within the Project Area shall not be removed or destroyed prior to the adoption of the replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5. This finding is based upon the fact that the existing Redevelopment Plan provides for a replacement housing plan according to law.

j. The elimination of blight and the redevelopment of the Project Areas could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the continued existence of blighting influences, including the lack of adequate public improvements, and the inability of individual developers to economically remove these blighting influences without public assistance to acquire and assemble sites for development, and the provisions of public improvements, facilities and utilities, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.

SECTION 3. The City Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing.

SECTION 4. The Redevelopment Plan for the Paso Robles Redevelopment Project, as adopted by Ordinance No. 540 N.S., is hereby amended as set forth in the proposed "Amendment No. 1 to the Redevelopment Plan for the Paso Robles Redevelopment Project", incorporated herein and made a part hereof by reference. As so amended, the Redevelopment Plan is hereby incorporated by reference herein and designated as the official Redevelopment Plan for the Paso Robles Redevelopment Project.

The Executive Director of the Agency is hereby authorized to combine the Redevelopment Plan, as amended by this Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan in place of the document currently constituting said Redevelopment Plan.

SECTION 5. The findings and determinations, as identified in Council Resolution No. 99-195, adopted on October 19, 1999, approving and adopting the Negative Declaration on the Amendment to the Redevelopment Plan, are incorporated into this Ordinance by reference and made a part of the Amendment. The Council is satisfied that written findings have been adopted in response to each written objection received from affected taxing entities or property owners either before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the Redevelopment Plan Amendment, the Council hereby overrules all written and oral objections to the Redevelopment Plan Amendment.

SECTION 6. Ordinance No. 540 N.S. is continued in full force and effect as amended by this Ordinance.

SECTION 7. In order to implement and facilitate the effectuation of the Amendment hereby approved, it may be necessary for the City Council to take certain actions, and accordingly, this City Council hereby (a) pledges its cooperation in helping to carry out the Amendment; (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area pursuant to the Amendment; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amendment; and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Amendment.

SECTION 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan as amended by the Amendment.

SECTION 9. The City Clerk is hereby directed to record with the County Recorder of the County of San Luis Obispo a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Amendment have been instituted under the California Community Redevelopment Law.

SECTION 10. The City Clerk is hereby directed to transmit a copy of this Ordinance Amending the Redevelopment Plan, to the auditor, assessor and tax collector of the County of San Luis Obispo, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project Area and to the State Board of Equalization.

SECTION 11. This Ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 12. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in the Telegram Tribune, a newspaper of general circulation, published and circulated in the City of Paso Robles, California.

SECTION 13. If any part of this Ordinance, or the Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amendment, if such invalid portion thereof had been deleted.

SECTION 14. The City Clerk is hereby authorized to take any additional actions necessary, as approved by Special Counsel, to implement this Ordinance.

Introduced at a regular meeting of the City Council held on December 21, 1999 and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of January 2000 by the following roll call vote, to wit:

AYES: Baron, Macklin, Swanson and Picanco
NOES: Mecham
ABSENT: None
ABSTAIN: None

Duane Picanco, Mayor

ATTEST

Sharilyn M. Ryan, Deputy City Clerk

AMENDMENT NO. 1 TO THE REDEVELOPMENT
PLAN FOR THE PASO ROBLES REDEVELOPMENT
REDEVELOPMENT PROJECT

The Redevelopment Plan for the Paso Robles Redevelopment Project, originally adopted on November 30, 1987, by Ordinance No. 540 N.S. (the "Redevelopment Plan") is hereby amended as follows:

The third paragraph on page 2-6.6 under Section 600.31(2), Acquisition of Real Property by Eminent Domain, of the Redevelopment Plan is hereby amended to read as follows:

"A time limit of twelve (12) years, from the date the ordinance adopting Amendment No. 1 to this Redevelopment Plan becomes effective, shall herein be established within which time the Agency may commence eminent domain proceedings as herein above set forth. Such time limitation may be extended only by amendment of the Redevelopment Plan."