

ORDINANCE NO. 2762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE BUENA-CLINTON REDEVELOPMENT PROJECT UNDER SENATE BILL 1045 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

WHEREAS, the Garden Grove Agency for Community Development (Agency) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. (CRL) and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (City Council) of the City of Garden Grove (City);

WHEREAS, the City Council originally adopted the Redevelopment Plan for the Buena-Clinton Project (Plan for the Buena-Clinton Project and the Buena-Clinton Project respectively) by Ordinance No. 1742 on December 16, 1980, which was applicable to that certain project area as designated therein (Buena-Clinton Project Area);

WHEREAS, by Ordinance No. 2303, adopted on October 18, 1994, the City Council amended the Plan for the Buena-Clinton Project for the principal purpose of including certain provisions required by Section 33333.6 of the CRL as set forth in Assembly Bill 1290 (AB 1290 Amendment);

WHEREAS, pursuant to Section 33342.7 of the CRL, which was added by Senate Bill 53 and effective as of January 1, 2007, the legislative body of each redevelopment agency that adopted a final redevelopment plan before January 1, 2007, was required to adopt an ordinance that contains a description of the agency's program to acquire real property by eminent domain;

WHEREAS, on June 12, 2007, the City Council approved Ordinance No. 2710 that described the Agency's program regarding acquisition of real property by eminent domain within the Buena-Clinton Project Area as required by Senate Bill 53 that added CRL Section 33342.7 (SB 53 Ordinance);

WHEREAS, on May 26, 2009, the City Council approved Ordinance No. 2747 that eliminated the time limit on establishment of loans, advances, and indebtedness with respect to the Buena-Clinton Project Area pursuant to Senate Bill 211 that amended CRL Section 33333.6 (SB 211 Ordinance);

WHEREAS, the Buena-Clinton Project and the Plan for the Buena-Clinton Project as amended and modified by all those amendments described hereinabove are hereafter referred to as the Existing Plan;

WHEREAS, the Existing Plan authorizes the collection of tax increment as provided for in Health and Safety Code Section 33670 as to the Buena-Clinton Project Area;

WHEREAS, CRL Section 33333.6(e)(2)(C) as established as an urgency statute under SB 1045, Chapter 260, Statutes of 2003 (SB 1045) provides in pertinent part (with respect to redevelopment project areas established on or before December 31, 1993):

When an agency is required to make a payment pursuant to Section 33681.9, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) by one year by adoption of an ordinance. In adopting this ordinance, neither the legislative body nor the agency is required to comply with Section 33354.6, Article 12 (commencing with Section 33450), or any other provision of this part relating to the amendment of redevelopment plans, including but not limited to, the requirement to make the payments to affected taxing agencies required by Section 33607.7;

WHEREAS, the Agency made a payment during the 2003-04 fiscal year pursuant to Section 33681.9;

WHEREAS, the City Council has determined to take advantage of SB 1045 and adopt an Ordinance which extends by one (1) year the time limits required pursuant to subdivisions (a) and (b) of Section 33333.6 of the California Health and Safety Code with respect to the Buena-Clinton Project Area; and

WHEREAS, the enactment of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The respective times established under the Existing Plan for (i) effectiveness of the Existing Plan and (ii) for receipt of tax increment revenues for the Buena-Clinton Project Area are each extended by one (1) year past the time limits heretofore established pursuant to subdivisions (a) and (b) of Health and Safety Code Section 33333.6 as in effect as of the effective date of this Ordinance for the respective Affected Areas. Section 1 of this Ordinance shall control over any contrary provisions of the Existing Plan.

Section 2. Except as amended herein, the Existing Plan shall remain in full force and effect according to its terms.

Section 3. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

Section 4. The City Clerk is hereby authorized to file a Notice of Exemption with the County of Orange pursuant to CEQA Guidelines Section 15094.

Section 5. The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 12, 2010, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE