

ORDINANCE NO. 2764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AS AUTHORIZED BY SENATE BILL 1045 PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.2(c) AND 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 Garden Grove Community Project (Plan for the Community Project and the Garden Grove Community Project respectively) by Ordinance No. 1339 on June 26, 1973, which was applicable to that certain project area as designated therein (Original Area);

WHEREAS, by Ordinance No. 1388, adopted on July 9, 1974, the City Council amended the Plan for the Community Project for the principal purpose of adding territory (1974 Amendment Area) to the Garden Grove Community Project;

WHEREAS, by Ordinance No. 1476, adopted on November 25, 1975, the City Council adopted the Redevelopment Plan for the Trask Avenue Redevelopment Project (Trask Avenue Project) and that certain project area designated thereby (Trask Avenue Area), which Trask Avenue Project was later incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1548, adopted on November 29, 1976, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1976 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1576, adopted on March 21, 1977, the City Council adopted the Redevelopment Plan for the Brookhurst/Chapman Redevelopment Project (Brookhurst/Chapman Project) and that certain project area designated thereby (Brookhurst/Chapman Area), which Brookhurst/Chapman Project was later incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1642, adopted on February 21, 1978, the City Council adopted the Redevelopment Plan for the Brookhurst/Katella Redevelopment Project (Brookhurst/Katella Project) and that certain project area designated thereby (Brookhurst/Katella Area), which Brookhurst/Katella Project was later incorporated into the Garden Grove Community Project, as amended, by Ordinance No. 1699, adopted on October 16, 1979;

WHEREAS, by Ordinance No. 1699, adopted on October 16, 1979, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1979 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1760, adopted on June 9, 1981, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of deleting certain territory (1981 Deletion Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 1971, adopted on January 12, 1987, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of including certain provisions required by Section 33333.4 of the CRL (1987 Amendment);

WHEREAS, by Ordinance No. 2035, adopted on February 16, 1988, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of deleting certain territory (1988 Deletion Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 2232, adopted on July 14, 1992, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1992 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, by Ordinance No. 2304, adopted on October 18, 1994, the City Council amended the Plan for the Community Project, as previously amended, 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, by Ordinance No. 2455, adopted on December 8, 1998, the City Council amended the Plan for the Community Project, as previously amended, for the principal purpose of adding territory (1998 Amendment Area) and making certain modifications to the Garden Grove Community Project, as amended;

WHEREAS, the Plan for the Community Project and the redevelopment project area of the Garden Grove Community Project as amended and modified by all those amendments described hereinabove are hereafter referred to as the Existing Plan and the Existing Project Area respectively;

WHEREAS, by Ordinance No. 2576, adopted on July 9, 2002, the City Council amended the Existing Plan for the principal purpose of amending the Existing Plan for the Community Project (by adoption of an amended redevelopment plan, which is referred to herein as the 2002 Amended Plan) that among other provisions (a) added territory (2002 Added Territory), (b) extended eminent domain provision for an additional twelve (12) year period, and (c) eliminated the time limit on

establishment of loans, advances and indebtedness pursuant to Senate Bill 211 that amended CRL Section 33333.6 with respect to Original Area, 1974 Amendment Area, Trask Avenue Area, 1976 Amendment Area, Brookhurst/Chapman Area, Brookhurst/Katella Area, 1979 Amendment Area, and 1992 Amendment Area which component areas were adopted prior to January 1, 1994;

WHEREAS, pursuant to CRL Section 33342.7, 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. 2709, entitled: "An Ordinance of the City Council of the City of Garden Grove, California, Describing the Garden Grove Agency For Community Development's Program to Acquire Real Property by Eminent Domain within the Garden Grove Community Project as Required By Section 33342.7 of the California Health and Safety Code" (SB 53 Ordinance);

WHEREAS, the 2002 Amended Plan authorizes the collection of tax increment as provided for in CRL Section 33670 as to each of: the Original Area; the 1974 Amendment Area; the Trask Avenue Area; the 1976 Amendment Area; the Brookhurst/Chapman Area; the Brookhurst/Katella Area; the 1979 Amendment Area; the 1992 Amendment Area; the 1998 Amendment Area; and the 2002 Added Territory (collectively, the Affected Areas);

WHEREAS, CRL Section 33333.6(e)(2)(C) as established as an urgency statute under Senate Bill 1045, Chapter 260, Statutes of 2003 (SB 1045) provides in pertinent part (with respect to redevelopment project areas established or territories added 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, CRL Section 33333.6(e)(2)(C) as established as an urgency statute under SB 1045 provides in pertinent part (with respect to redevelopment project areas established or territory added on or after January 1, 1994):

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 paragraphs (2) and (3) of subdivision (a) 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;

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

WHEREAS, pursuant to SB 1045 by this Ordinance the City Council extends by one (1) year the time limits required pursuant to subdivisions (a) and (b) of Section 33333.6 of the CRL with respect to each of: (i) the Original Area; (ii) the 1974 Amendment Area; (iii) the Trask Avenue Area; (iv) the 1976 Amendment Area; (v) the Brookhurst/Chapman Area; (vi) the Brookhurst/Katella Area; (vii) the 1979 Amendment Area; and (viii) the 1992 Amendment Area, and extends by one (1) year the time limits required pursuant to paragraphs (2) and (3) of subdivision (a) of Section 33333.2 of the CRL with respect to each of: (a) the 1998 Amendment Area and (b) the 2002 Added Territory; 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 2002 Amended Plan for (i) effectiveness of the plan and (ii) for receipt of tax increment revenues for each of the Affected Areas are each extended by one (1) year past the time limits heretofore established pursuant to subdivisions (a) and (b) of Section 33333.6 of the CRL (as to those areas created or added on or before December 31, 1993) and the time limits heretofore established pursuant to paragraphs (2) and (3) of subdivision (a) of Section 33333.2 of the CRL (as to those areas created or added on or after January 1, 1994) 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 2002 Amended Plan.

Section 2. Except as amended herein, the 2002 Amended 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