

ORDINANCE NO. _____

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2
3 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
4 **OCEANSIDE DESCRIBING THE CITY OF OCEANSIDE'S**
5 **REDEVELOPMENT AGENCY'S PREVIOUSLY APPROVED**
6 **PROGRAM TO ACQUIRE PROPERTY WITHIN THE**
7 **DOWNTOWN REDEVELOPMENT PROJECT AREA BY**
8 **EMINENT DOMAIN PURSUANT TO HEALTH AND SAFETY**
9 **CODE SECTION 33342.7(a)**

10 WHEREAS, the Community Development Commission of the City of Oceanside
11 ("Agency") is a redevelopment agency established and acting pursuant to the California
12 Community Redevelopment Law (California Health & Safety Code Sections 33000, *et seq.*)
13 ("CRL"); and

14 WHEREAS, pursuant to City Council of the City of Oceanside Ordinance No. 75-35,
15 adopted on November 19, 1975, the City Council of the City of Oceanside adopted the Oceanside
16 Downtown Redevelopment Plan (the "Redevelopment Plan"); and

17 WHEREAS, the Redevelopment Plan has been amended by the City Council of the City
18 of Oceanside through the following ordinances: (1) Ordinance No. 82-32, adopted on July 14,
19 1982; (2) Ordinance No. 86-48, adopted on December 17, 1986; (3) Ordinance No. 94-08,
20 adopted on April 20, 1994; (4) Ordinance No. 98-32, adopted on November 11, 1998; (5)
21 Ordinance No. 99-12, adopted on June 16, 1999; (6) Ordinance No. 06-0R0698-1, adopted on
22 December 13, 2006; (7) Ordinance No. 06-0R0698-1, adopted on December 13, 2006; and
23 Ordinance No. 07-0R0054-1, adopted February 14, 2007; and

24 WHEREAS, in accordance with the California Health and Safety Code Section
25 33342.7(a), a legislative body that adopted a final redevelopment plan before January 1, 2007,
26 shall adopt an ordinance on or before July 1, 2007, that contains a description of the agency's
27 program to acquire real property by eminent domain.

28 Now, therefore, the City Council of the City of Oceanside does ordain, as follows:

SECTION 1. Recitals. The City Council hereby finds and determines that all of the
foregoing recitals are true and correct.

SECTION 2. Acquisition of Real Property. In accordance with California Health and

1 Safety Code Section 33342.7(a), the Agency's program for exercise of eminent domain powers
2 within the Oceanside Downtown Redevelopment Project Area (the "Program") is described in
3 Sections 307 and 308 of Article III of the Redevelopment Plan, entitled Acquisition of Property,
4 as follows:

5 "Except as specifically exempted herein, the Agency may acquire but is not required to acquire,
6 any real property located in the project area, by any means authorized by law.

7 It is in the public interest and is necessary in order to eliminate the conditions requiring
8 redevelopment and in order to execute the Plan, for the power of eminent domain to be employed
9 by the Agency to acquire the real property in the Project Area which cannot be acquired by gift,
10 devise, exchange, purchase or any other lawful method.

11 However, the Agency shall not exercise the power of eminent domain to acquire real property
12 within the Project Area for which proceedings in eminent domain have not commenced within
13 twelve (12) years after the adoption of the ordinance adopting the Fourth Amendment to this
14 Plan, Ordinance 098-32 adopted November 11, 1998. This time limitation may be extended by
15 amendment of this Plan."

16 **SECTION 3. Program Change.** The Program may only be changed by an amendment
17 to the Redevelopment Plan, pursuant to and in the manner required and to the extent permitted by
18 law.

19 **SECTION 4. Authorization for Further Acts.** The City Council authorizes and directs
20 the City Manager to undertake such actions and execute such documents as may be reasonably
21 necessary or convenient to carry out and administer the actions authorized by this Ordinance and
22 direct staff to file a revised Statement of Proceedings with the San Diego County Recorder's
23 Office on or before December 31, 2007.

24 **SECTION 5. Severability.** If any provision of this Ordinance as applied to any person
25 or to any circumstance is adjudged by a court of competent jurisdiction to be void or
26 unenforceable for any reason, this fact shall in no way affect (to the maximum extent permissible
27 by law) any other provision of this Ordinance, the application of any such provision regarding
28 another person or under circumstances different from those adjudicated by the court, or the

1 validity or enforceability of this Ordinance as a whole.

2 **SECTION 6. Publication.** The City Council authorizes and directs the City Clerk to
3 publish this Ordinance in the manner and time required by law.

4 **SECTION 7. CEQA Notice of Exemption.** This action is Exempt from filing CEQA
5 pursuant to Title 14 California Code of Regulations Section 15062.

6 **SECTION 8. Effective Date.** This Ordinance shall take effect and be in force on the
7 thirtieth (30th) day following the date of its adoption.

8 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
9 California, held on the **day of 2007**, and, thereafter.

10 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
11 Oceanside, California, held on the **day of 2007**, by the following vote:

- 12 AYES:
- 13 NAYES:
- 14 ABSENT:
- 15 ABSTAIN:

16 _____
JIM WOOD
MAYOR

18 ATTEST:

APPROVED AS TO FORM:

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BARBARA REIGEL WAYNE
CITY CLERK

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John P. Mullen
JOHN P. MULLEN
CITY ATTORNEY