



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
April 17, 2007

## Honorable Members of the Law and Legislation Committee

**Title:** Compliance with Senate Bill 53 and 1809 in all City Redevelopment Areas

**Location/Council District:** Merged Downtown, Richards Boulevard and Alkali Flat Redevelopment Areas, (District 1); Del Paso Heights and North Sacramento Redevelopment Areas, (Districts 2 and 3); Auburn Boulevard Redevelopment Area, (District 3); Oak Park and Franklin Boulevard Redevelopment Area, (District 5); Army Depot and 65<sup>th</sup> Street Redevelopment Areas, (District 6); Stockton Boulevard Redevelopment Area, (Districts 5 and 6)

**Recommendation:** Approve, and forward to the Mayor and City Council, **Ordinances** which 1) identify the Sacramento Housing and Redevelopment Agency's Acquisition Program and Eminent Domain authority for each redevelopment project area, and 2) direct Redevelopment Agency staff to record a new statement of institution on all property located within the boundaries of each redevelopment project area.

**Contact:** Lisa Bates, Director, Community Development, 440-1316, Chris Pahule, Assistant Director, Community Development, 440-1350

**Presenters:** Sarah Hansen, Redevelopment Manager

**Department:** Sacramento Housing and Redevelopment Agency

## Description/Analysis

**Issue:** On September 29, 2006, the Governor approved Senate Bills 53 and 1809 relating to a Redevelopment Agency's power of eminent domain. The bills amended Sections 33342.7 and 33373 of the Health and Safety code requiring the adoption of local ordinances to fulfill their requirements. The proposed ordinances will meet the Agency's new obligations and will not change the Agency's current redevelopment policies or programs. SB 53 requires that redevelopment agencies adopt an ordinance that contains the Agency's program for the acquisition of real property using eminent domain for all existing and future redevelopment plans by July 1, 2007. SB 1809 requires that all existing redevelopment plans that authorize the use of eminent domain record a new

statement of proceedings that contains: a heading in boldface type that the property is in a redevelopment project area, a general description of the provisions of the redevelopment plan relating to the use of eminent domain, and a description of the limitations on the use of eminent domain by December 31, 2007. Ordinances that meet the requirements of SB 53 and SB 1809 are included as Attachments 1 through 22.

**Policy Considerations:** The proposed action does not change or modify existing policy in any manner.

**Environmental Considerations:** The potential impacts caused by implementing each redevelopment plan were analyzed in the applicable environmental documents that were certified at the time of plan adoption. The proposed action to comply with amendments to state legislation does not significantly change the circumstances under which redevelopment actions may occur, and will not result in any new impact on the environment or require any additional mitigation measures. The proposed action to comply with state law does not constitute a project under CEQA per Guidelines Section 15378 (b) (4), which does not involve a commitment to any specific project. NEPA does not apply.

**Committee/Commission Action:** The Sacramento Housing and Redevelopment Commission (SHRC) will be briefed and provided with the staff recommendation to approve the Ordinances at the April 18, 2007 meeting.

**Rationale for Recommendation:** The proposed ordinances are in response to the California State Legislature's amendments to two sections of Community Redevelopment Law Health and Safety code Sections 33342.7 and 33373. Adoption of the ordinances will ensure that the Redevelopment Agency's acquisition program and the use of eminent domain in all city redevelopment areas (where that authority still exists) complies with current noticing requirements.

**Financial Considerations:** There are no financial implications related to the adoption of this ordinance.

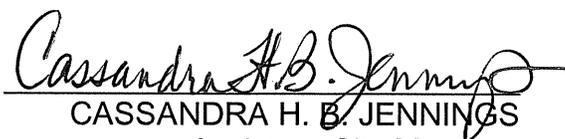
**Emerging Small Business Development (ESBD):** The items discussed in this report have no ESBD impact; therefore ESBD considerations do not apply.

Respectfully Submitted by: \_\_\_\_\_



ANNE M. MOORE  
Executive Director

Approved by: \_\_\_\_\_



CASSANDRA H. B. JENNINGS  
Assistant City Manager

Recommendation Approved:

  
\_\_\_\_\_  
GUSTAVO F. VINA  
Assistant City Manager

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**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO ADOPTING THE FOURTH AMENDMENT TO THE AMENDED REDEVELOPMENT PLAN FOR THE MERGED DOWNTOWN REDEVELOPMENT PROJECT, ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE MERGED DOWNTOWN REDEVELOPMENT PROJECT AND DIRECTING CITY STAFF TO RECORD A REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance Nos. 86-063, 86-064, 86-065 86-066 and 86-067 adopted on June 17, 1986, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Amended Redevelopment Plan for the Merged Downtown Redevelopment Project Areas (“Merged Project Areas”);
- B. The Amended Redevelopment Plan was last amended by Ordinance No. [ \_\_\_\_\_ ] on January 6, 2004;
- C. The Merged Project Areas consist of the following project areas: the Capitol Mall Area Project, Project Area No. 2-A adopted by Ordinance No. 1936 on September 13, 1955 (“Capitol Mall Project Area No. 2-A”); the Capitol Mall Extension Project, Project Area No. 3 adopted by Ordinance No. 2208 on June 16, 1960 (“Capitol Mall Project Area No. 3”), the Capitol Mall Riverfront Project, Project No. 4 adopted by Ordinance No. 2681 on August 25, 1966 (“Capitol Mall Project Area No. 4”), and the Uptown Development Project Area No. 8 adopted by Ordinance No. 3146 on July 20, 1972 (“Uptown Project Area”);
- D. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Amended Redevelopment Plan, as amended;
- E. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Merged Project Areas;
- F. The Agency must record with the Sacramento County Recorder a description of the land within the Merged Project Areas and a statement that any proceedings for the redevelopment of the Merged Project Areas have been instituted under CRL § 33373 (“Statement of Proceedings”);

- G. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- H. Section 308 of the Redevelopment Plan for the Project Area authorizes the Agency to acquire certain real property by eminent domain for twelve (12) years from the date of the ordinance adopting the Second Amendment to the Amended Redevelopment Plan [PLEASE CONFIRM];
- I. The deadline to acquire certain commercial real property in the Project Area is [\_\_\_\_], 2011;
- J. The Agency is not authorized to acquire, by eminent domain, certain residential dwellings in the Merged Project Areas;
- K. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- L. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- M. The City now desires to adopt an eminent domain program describing the Agency’s program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency’s exercise of the power of eminent domain in the Project Area;
- N. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) (“CEQA”); and
- O. Pursuant to the foregoing, City staff has determined that a notice of exemption (“Notice of Exemption”) for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City’s Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1: After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3: The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4: The following paragraph shall be added at the end of Section 308 of the Amended Redevelopment Plan:

**“EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire commercial real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5: The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Amended Redevelopment Plan.

Section 6: The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7: This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Amended Redevelopment Plan as an Amendment to such Plan.

Section 8: If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9: The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Amended Redevelopment Plan for the Merged Downtown Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and

cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

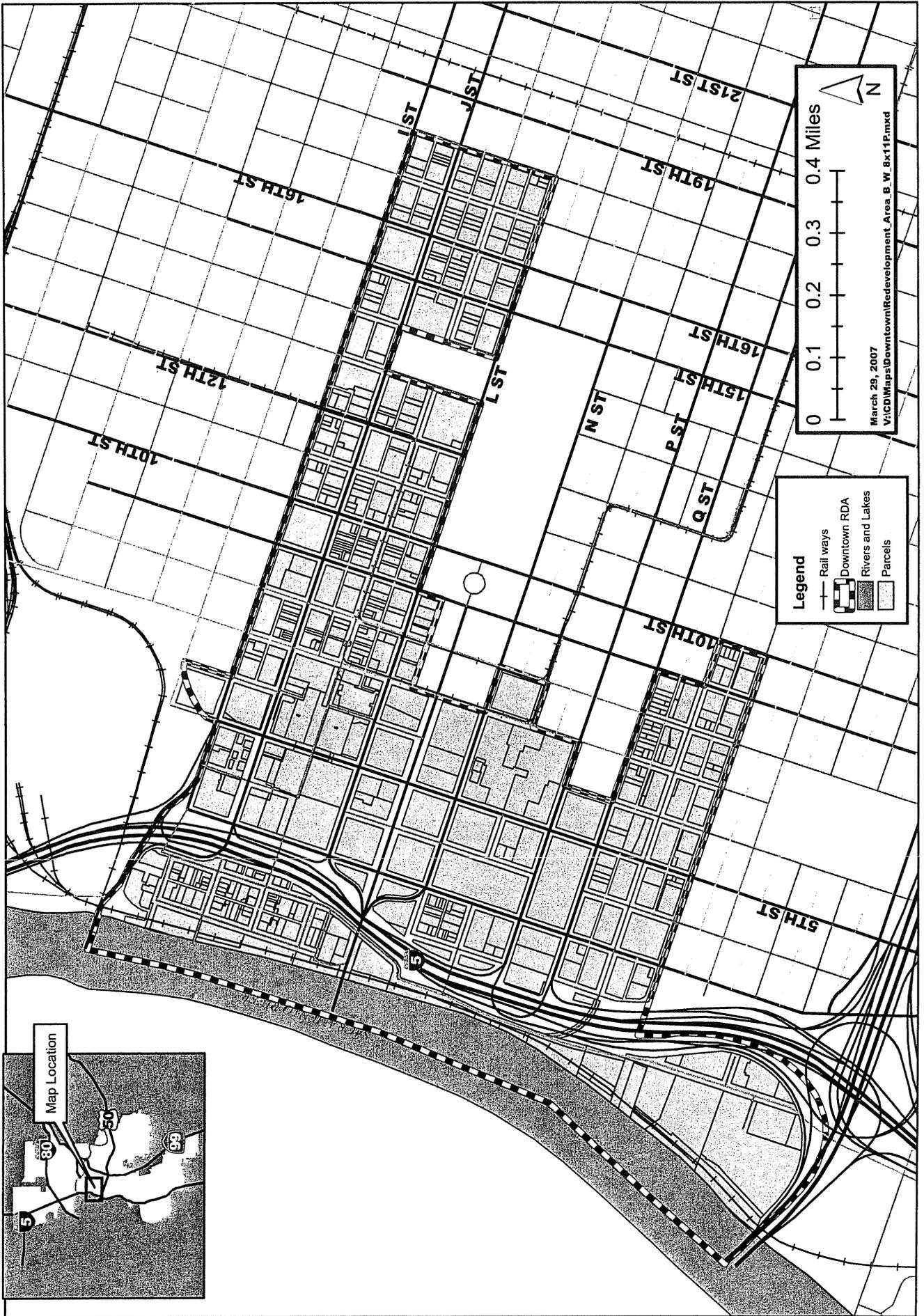
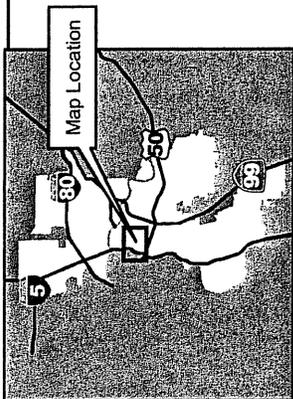
ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_

# Downtown Redevelopment Area



**Legend**

- Rail ways
- Downtown RDA
- Rivers and Lakes
- Parcels

0 0.1 0.2 0.3 0.4 Miles

March 29, 2007  
V:\CD\Maps\Downtown\Redevelopment\_Area\_B.W.8x11p.mxd

**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY OF SACRAMENTO  
ADOPTING THE FOURTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR  
THE RICHARDS BOULEVARD REDEVELOPMENT PROJECT, ADOPTING AN  
EMINENT DOMAIN PROGRAM FOR THE  
RICHARDS BOULEVARD REDEVELOPMENT PROJECT AND  
DIRECTING CITY STAFF TO RECORD A REVISED  
STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 90-037 adopted on July 17, 1990, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Original Redevelopment Plan for the Richards Boulevard Redevelopment Project Area (“Original Project Area”); and
- B. Pursuant to Ordinance No. [ ] adopted on [ ], the City Council adopted that certain Second Amendment to the Redevelopment Plan (“Amended Plan”) to add territory (“Added Area”); and
- C. The Amended Plan was last amended by Ordinance No. 2004-050 on September 28, 2004;
- D. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Original Redevelopment Plan and the Amended Plan, as amended; and
- E. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area; and
- F. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”); and
- G. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action; and

- H. Section 308 of the Redevelopment Plan for the Project Area authorized the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the Ordinance approving and adopting the Original Redevelopment Plan and, for the Added Area, twelve (12) years following the effective date of the Ordinance approving and adopting the Second Amendment of the Redevelopment Plan; and
- I. The deadline to acquire real property in the Original Project Area was July 17, 2002, and such deadline was not extended by the Agency; and
- J. The Agency was not authorized to acquire real property by eminent domain in the Added Area [PLEASE CONFIRM]; and
- K. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers; and
- L. In the future, should the Agency again be authorized to acquire real property by eminent domain, the Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain; and
- M. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Original Project Area and Added Area, including any limitations on the Agency's exercise of the power of eminent domain in the Original Project Area and Added Area; and
- N. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project within the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- O. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Original Project Area and Added Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent

uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308, page 8 of the Redevelopment Plan:

“EMINENT DOMAIN PROGRAM

Notwithstanding the foregoing, as of [\_\_\_\_\_], the Agency is no longer authorized to acquire real property by eminent domain in the Original Project Area.

If the Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan, as amended, the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

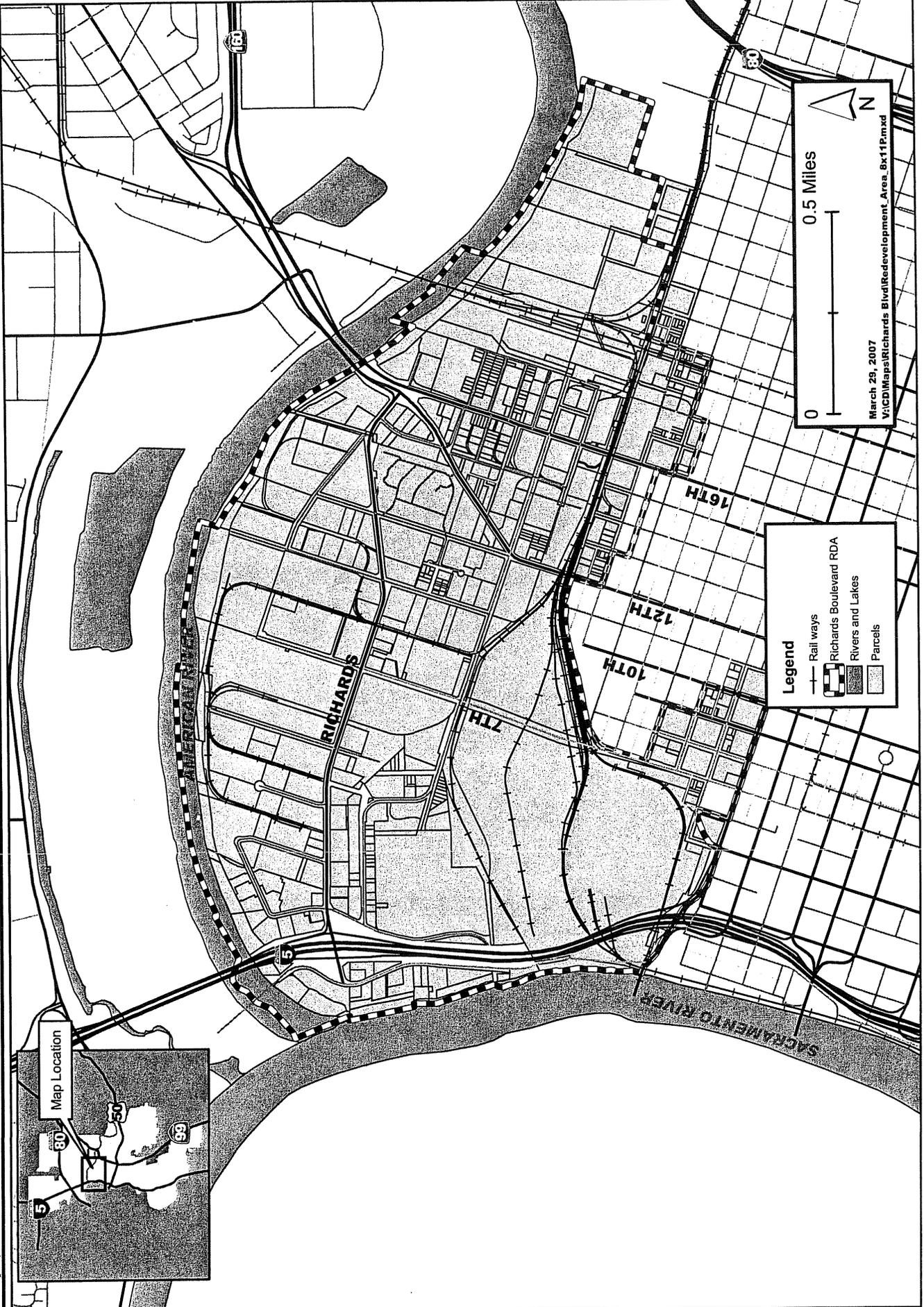
ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_

# Richards Boulevard Redevelopment Area



**Legend**

- Rail ways
- Richards Boulevard RDA
- Rivers and Lakes
- Parcels

0 0.5 Miles

March 29, 2007  
V:\CID\Maps\Richards Blvd\Redevelopment Area\_6x11P.mxd

Map Location



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE TENTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE ALKALI FLAT REDEVELOPMENT PROJECT,  
ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE ALKALI FLAT  
REDEVELOPMENT PROJECT AND DIRECTING CITY STAFF TO RECORD A  
REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 3086 adopted on February 10, 1972, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Alkali Flat Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last amended by Ordinance No. 2005-078 on October 6, 2005;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorizes the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the ordinance approving and adopting the Sixth Amendment to the Redevelopment Plan;
- H. The deadline to acquire real property in the Project Area is June 20, 2010 and such deadline has not been extended by the Agency;

- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- J. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project within the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- M. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire commercial real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance

Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Alkali Flat Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:       None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

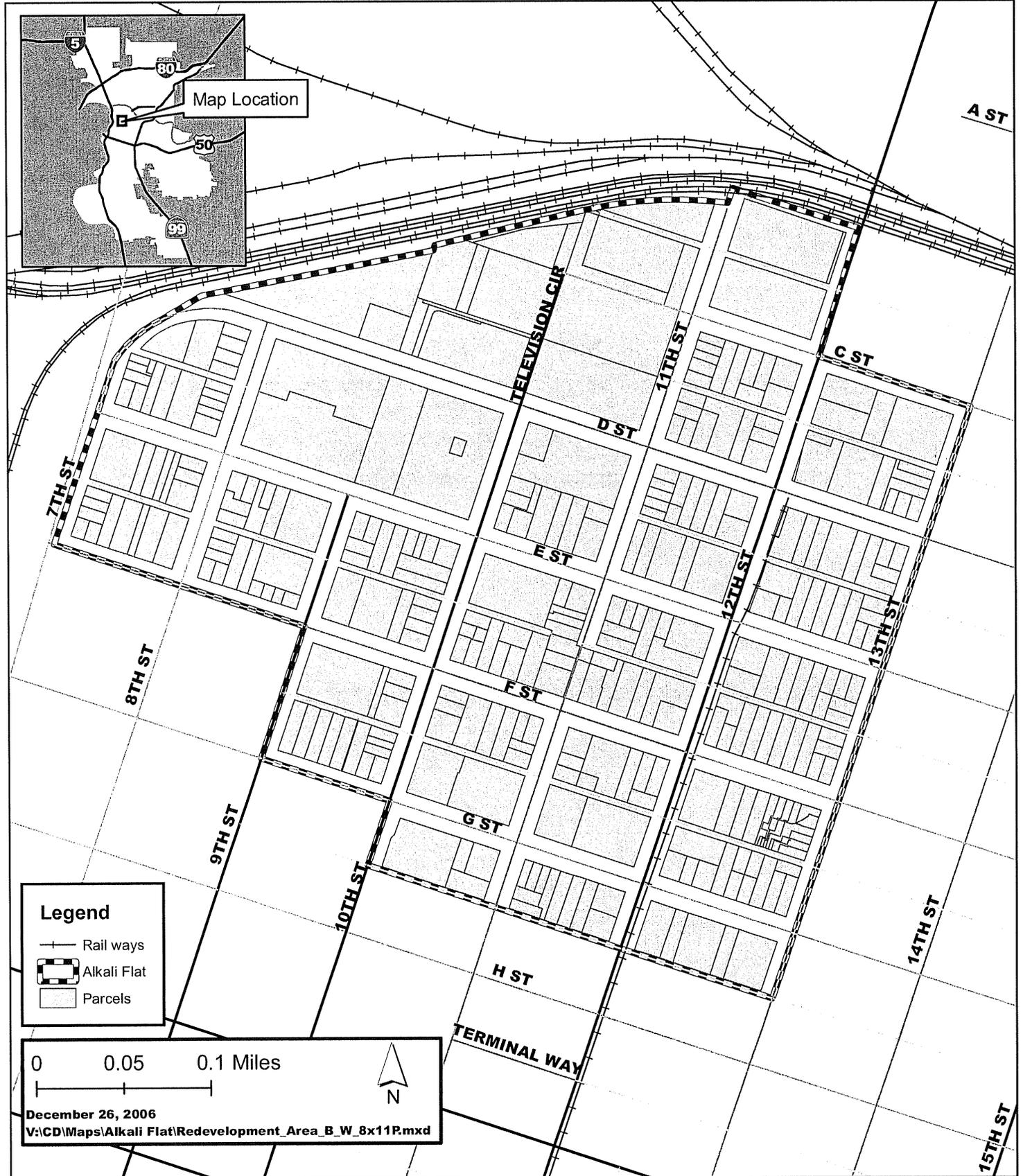
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Alkali Flat Redevelopment Area



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE TENTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE DEL PASO HEIGHTS REDEVELOPMENT  
PROJECT, ADOPTING AN EMINENT DOMAIN  
PROGRAM FOR THE DEL PASO HEIGHTS REDEVELOPMENT  
PROJECT AND DIRECTING CITY STAFF TO RECORD A  
REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 2884 adopted on May 12, 1970, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Del Paso Heights Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last amended by Ordinance No. [ ] on October 6, 2005;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorizes the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the ordinance approving and adopting the Fifth Amendment to the Redevelopment Plan;
- H. The deadline to acquire real property in the Project Area is July 2, 2012 and such deadline has not been extended by the Agency;

- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- J. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- M. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire commercial real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance

Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33375.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Del Paso Heights Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

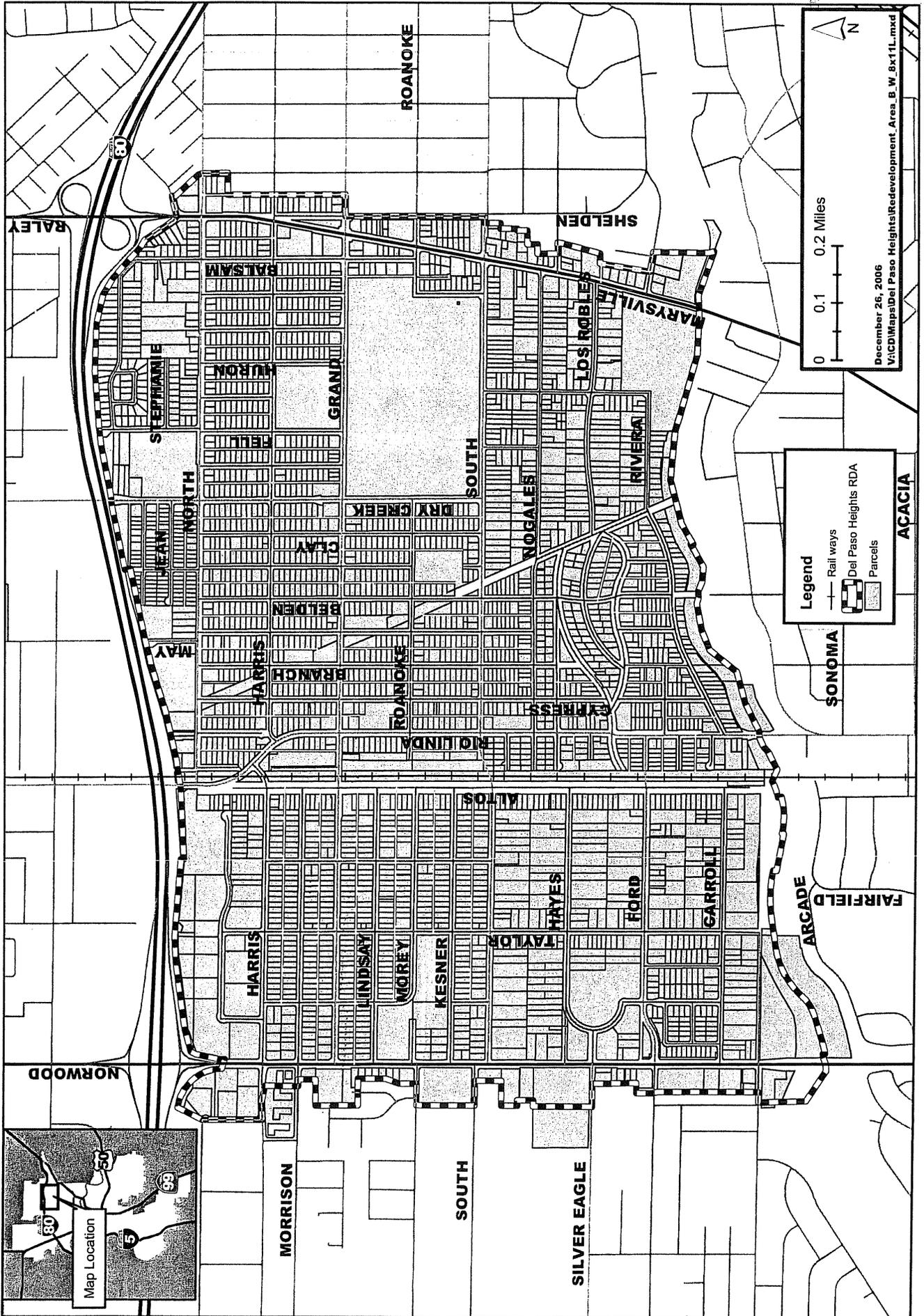
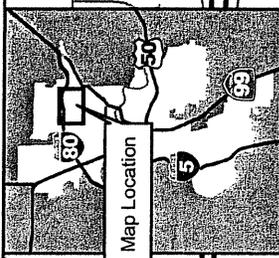
ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_

# Del Paso Heights Redevelopment Area



**Legend**

- Rail ways
- Del Paso Heights RDA
- Parcels

0 0.1 0.2 Miles

December 26, 2006  
V:\CD\Maps\Del Paso Heights\Redevelopment Area\_B\_W\_8x11L.mxd

ORDINANCE NO. 2007- \_\_\_\_\_

Adopted by the Sacramento City Council

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE THIRD AMENDMENT FOR THE NORTH  
SACRAMENTO REDEVELOPMENT PROJECT, ADOPTING AN EMINENT DOMAIN  
PROGRAM FOR THE NORTH SACRAMENTO REDEVELOPMENT  
PROJECT AND DIRECTING CITY STAFF TO RECORD A  
REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 92-028 adopted on June 30, 1992, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the North Sacramento Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last amended by Ordinance No. [ ] on November 13, 2003;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorizes the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the ordinance approving and adopting the Redevelopment Plan;
- H. The deadline to acquire certain commercial property in the Project Area is June 29, 2016;
- I. The Agency is not authorized to acquire, by eminent domain, residential property in the Project Area;

- J. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- K. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- L. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- M. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- N. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire commercial real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable

local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the North Sacramento Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

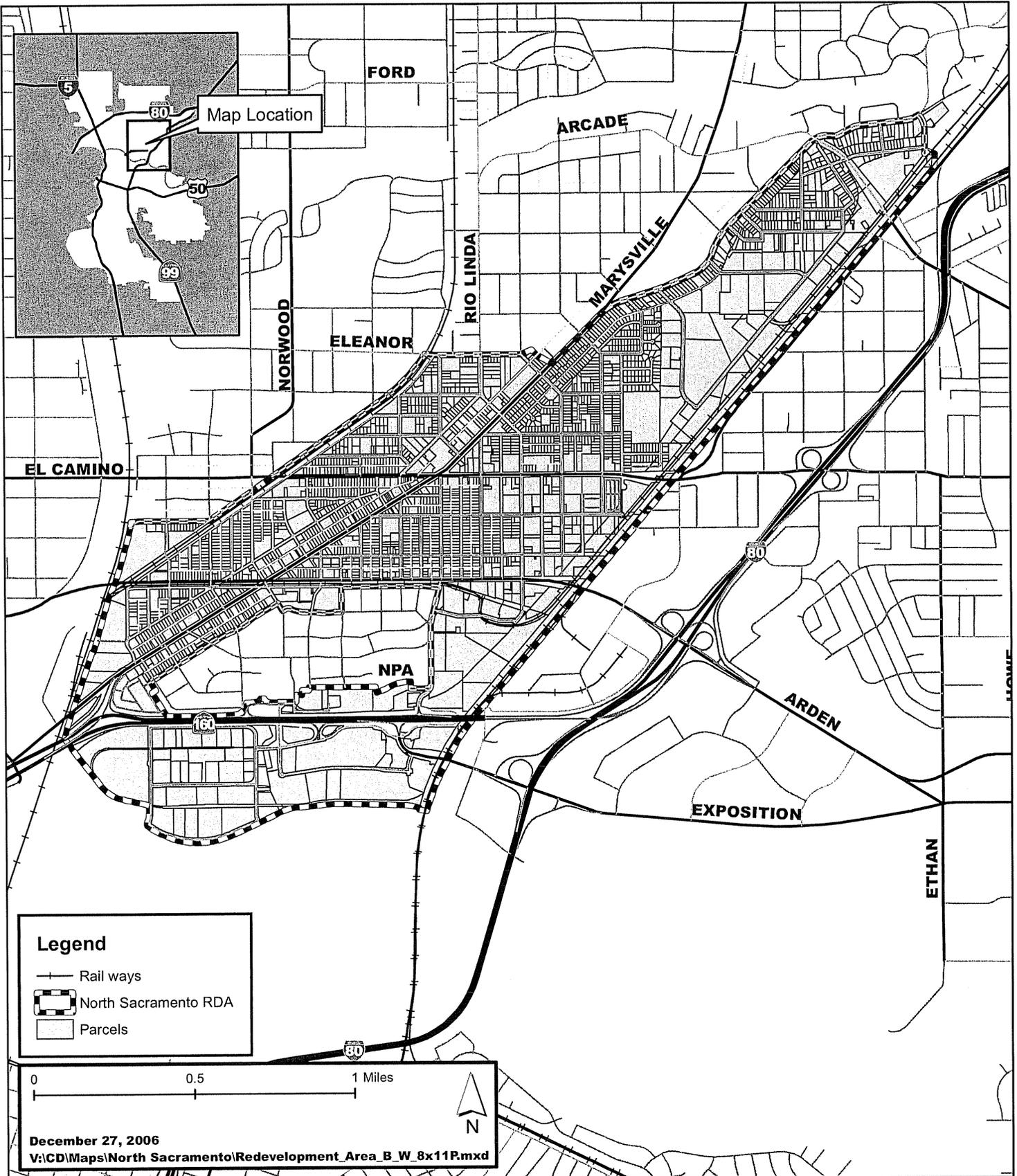
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# North Sacramento Redevelopment Area



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE FIRST AMENDMENT TO THE REDEVELOPMENT  
PLAN FOR THE AUBURN BOULEVARD REDEVELOPMENT  
PROJECT, ADOPTING AN EMINENT DOMAIN PROGRAM  
FOR THE AUBURN BOULEVARD REDEVELOPMENT PROJECT  
AND DIRECTING CITY STAFF TO RECORD A REVISED  
STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 1405 adopted on October 13, 1992, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Auburn Boulevard Redevelopment Project Area (“Project Area”);
- B. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan;
- C. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- D. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- E. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action; and
- F. Section 308 of the Redevelopment Plan for the Project Area authorized the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the Ordinance approving and adopting the Redevelopment Plan;
- G. The deadline to acquire real property in the Project Area was October 12, 2004, and such deadline was not extended by the Agency;

- H. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- I. In the future, should the Agency again be authorized to acquire real property by eminent domain, the Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- J. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- K. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- L. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308, pages 7 and 8, of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

Notwithstanding the foregoing, as of October 12, 2004, the Agency is no longer authorized to acquire real property by eminent domain in the Project Area.

If the Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan, the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the

California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Auburn Boulevard Redevelopment Project

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

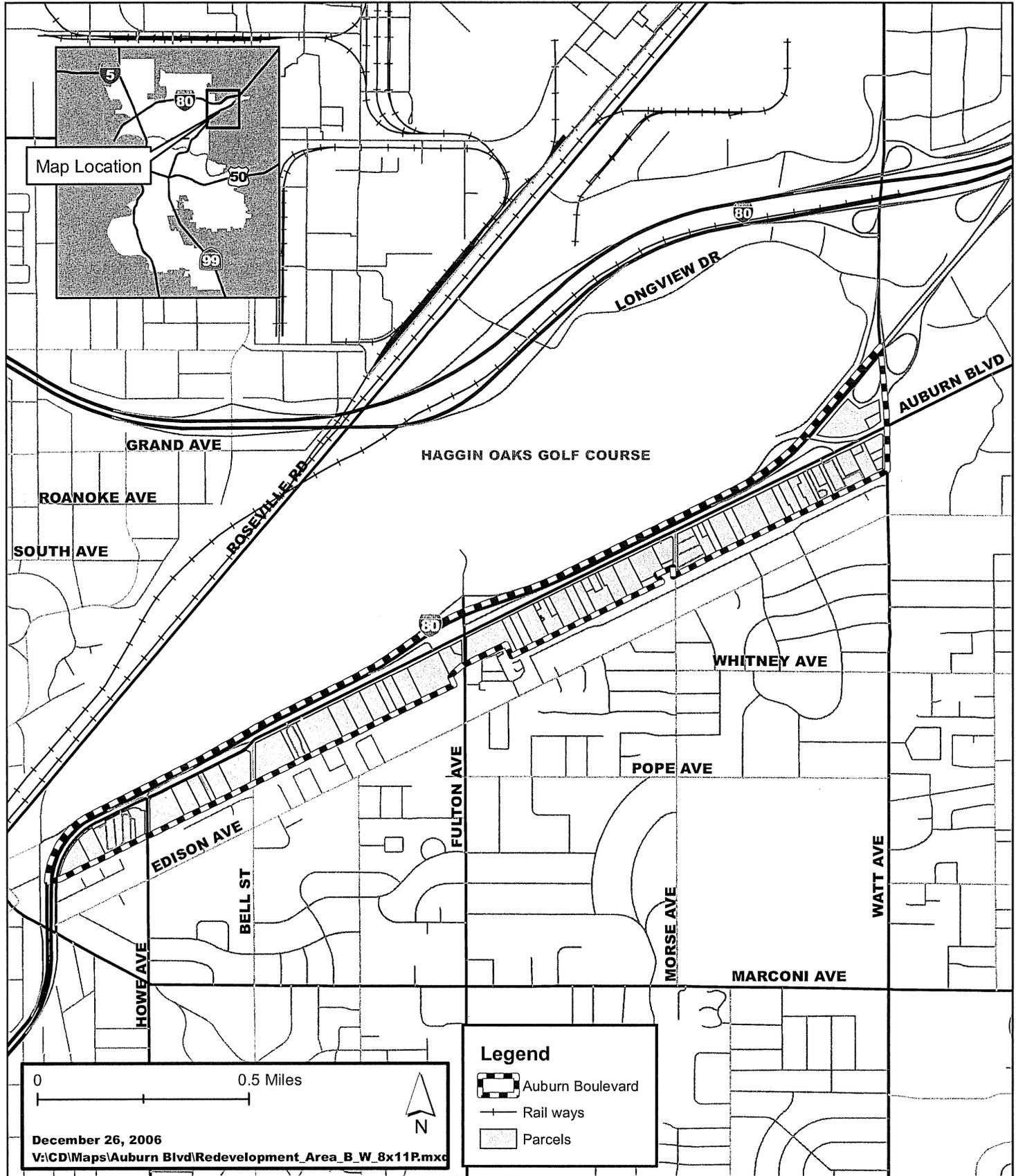
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Auburn Boulevard Redevelopment Area



December 26, 2006  
 V:\CD\Maps\Auburn Blvd\Redevelopment\_Area\_B\_W\_8x11P.mxd

**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE EIGHTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE OAK PARK REDEVELOPMENT PROJECT,  
ADOPTING AN EMINENT DOMAIN PROGRAM  
FOR THE OAK PARK REDEVELOPMENT PROJECT AND  
DIRECTING CITY STAFF TO RECORD A REVISED  
STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 3278 adopted on May 30, 1973, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Oak Park Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last by Ordinance No. 2005-080 on October 6, 2005;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorized the Agency to acquire certain real property by eminent domain for twelve (12) years following the effective date of the ordinances approving and adopting the Fourth Amendment to the Redevelopment Plan;

- H. The deadline to acquire certain residential property in the Project Area is October 28, 2010 and the deadline to acquire certain commercial property in the Project Area is May 29, 2014;
- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- J. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain; and
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- M Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the

California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Oak Park Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

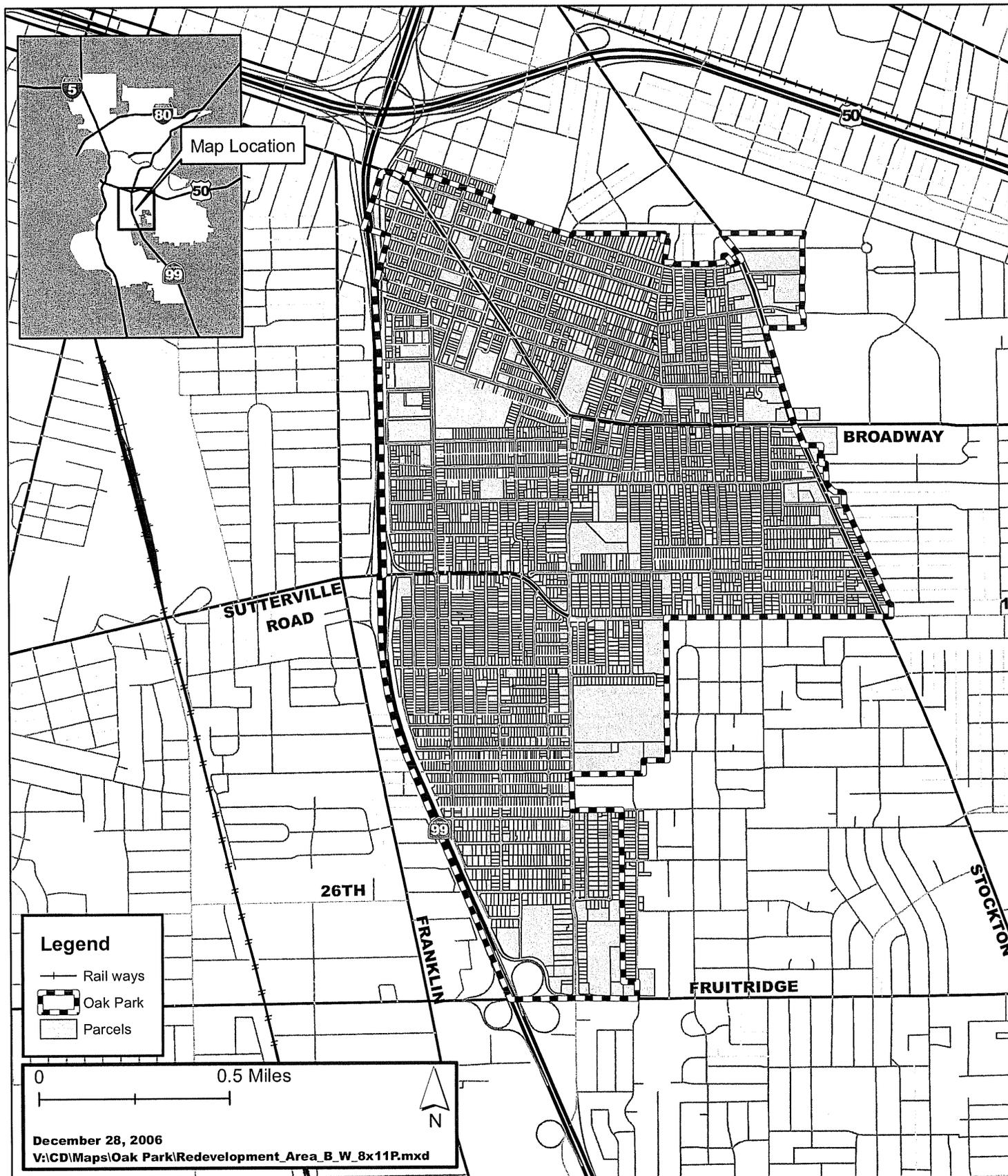
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Oak Park Redevelopment Area



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF SACRAMENTO ADOPTING THE SECOND AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE FRANKLIN REDEVELOPMENT PROJECT,  
ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE  
FRANKLIN BOULEVARD REDEVELOPMENT PROJECT  
AND DIRECTING CITY STAFF TO RECORD A  
REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 93-071 adopted on December 14, 1993, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Franklin Boulevard Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last amended by Ordinance No. [\_\_\_\_\_] on November 13, 2003;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorized the Agency to acquire certain real property by eminent domain for twelve (12) years following the latest effective date of the Ordinance approving and adopting the Redevelopment Plan;

- H. The deadline to acquire real property in the Project Area was December 14, 2005, and such deadline was not extended by the Agency;
- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- J. In the future, should the Agency again be authorized to acquire real property by eminent domain, the Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain; and
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- M. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308, page 8 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

Notwithstanding the foregoing, as of December 14, 2005, the Agency is no longer authorized to acquire real property by eminent domain in the Project Area.

If the Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan, the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Franklin Boulevard Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:         None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

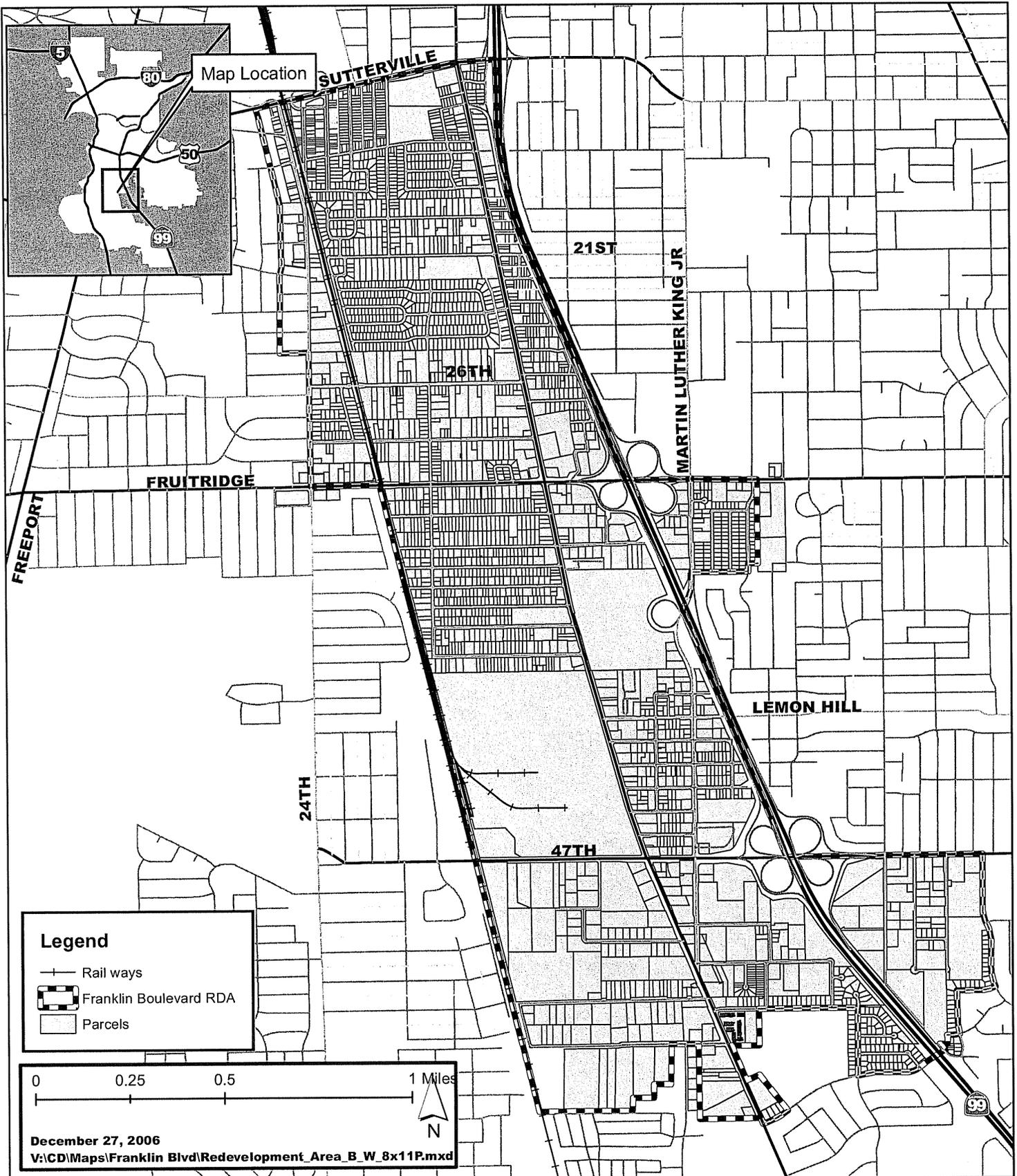
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Franklin Boulevard Redevelopment Area



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SACRAMENTO ADOPTING THE FOURTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE STOCKTON BOULEVARD REDEVELOPMENT  
PROJECT, ADOPTING AN EMINENT DOMAIN  
PROGRAM FOR THE STOCKTON BOULEVARD REDEVELOPMENT  
PROJECT AND DIRECTING CITY STAFF  
TO RECORD A REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 94-017 adopted on May 17, 1994, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Stockton Boulevard Redevelopment Project Area (“Project Area”);
- B. The Redevelopment Plan was last amended by Ordinance No. 2005-081 on October 6, 2005;
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan, as amended;
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- G. Section 308 of the Redevelopment Plan for the Project Area authorized the Agency to acquire certain real property by eminent domain for twelve (12) years following the latest effective date of the Ordinances approving and adopting the Redevelopment Plan;

- H. The deadline to acquire real property in the Project Area was May 17, 2006, as established by Ordinance No. [ ] adopted on [ ] and such deadline was not extended by the Agency;
- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;
- J. In the future, should the Agency again be authorized to acquire real property by eminent domain, the Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA");
- M. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After the consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 308 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

Notwithstanding the foregoing, as of May 17, 2006, the Agency is no longer authorized to acquire real property by eminent domain in the Project Area.

If the Agency is authorized to acquire real property by eminent domain pursuant to the provisions of this Plan, the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Stockton Boulevard Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

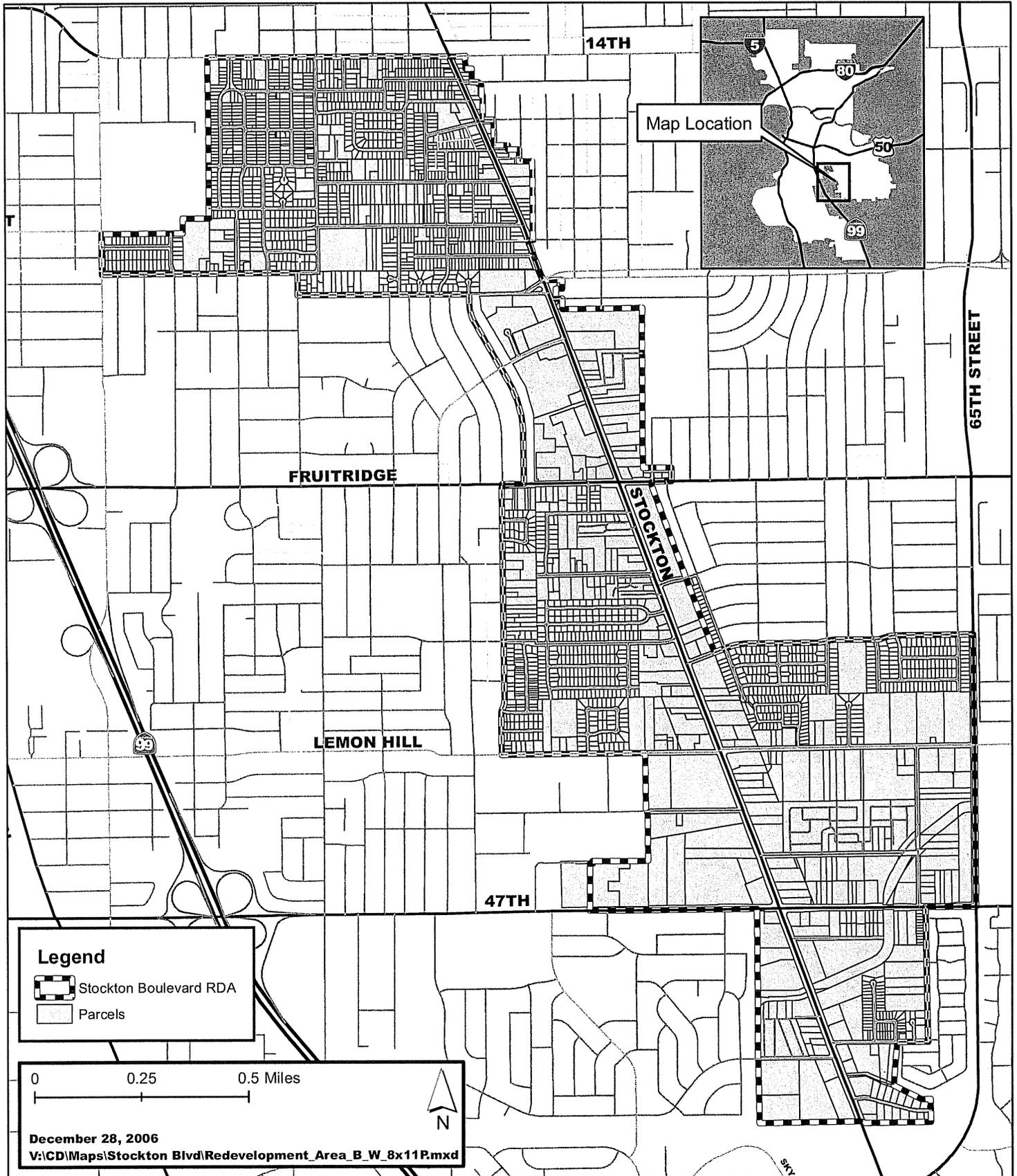
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Stockton Boulevard Redevelopment Area



**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

[ \_\_\_\_\_ ]

**AN ORDINANCE OF THE CITY OF SACRAMENTO APPROVING THE FOURTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ARMY DEPOT REDEVELOPMENT PROJECT, ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE ARMY DEPOT REDEVELOPMENT PROJECT AND DIRECTING CITY STAFF TO RECORD A REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 95-034 adopted on June 27, 1995, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the Army Depot Redevelopment Project (“Original Project Area”): and
- B. Pursuant to Ordinance No. [ \_\_\_\_\_ ] adopted on June 29, 2004, the City Council adopted that certain Third Amendment to the Redevelopment Plan to add territory (“Added Area”); and
- C. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Original Redevelopment Plan and the Amended Plan, as amended; and
- D. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Original Project Area and Added Area; and
- E. The Agency must record with the Sacramento County Recorder a description of the land within the Original Project Area and Added Area and a statement that any proceedings for the redevelopment of the Original Project Area and the Added Area have been instituted under CRL § 33373 (“Statement of Proceedings”); and
- F. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action; and

- G. Section 308 of the Redevelopment Plan for the Original Project Area and the Added Area authorized the Agency to acquire certain real property in the Original Project Area by eminent domain for twelve (12) years following the date of Ordinance No. 95-034 and, for the Added Area, twelve (12) years following the adoption of Ordinance 2004-[ ] approving and adopting the Third Amendment of the Redevelopment Plan; and
- H. The deadline to acquire real property in the Original Project Area is June 16, 2007, and such deadline has not been extended by the Agency; and
- I. The Agency is only authorized to acquire certain commercial property by eminent domain in the Added Area until June 29, 2016; and
- J. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers; and
- K. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain
- L. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Original Project Area, and Added Area including any limitations on the Agency's exercise of the power of eminent domain in the Original Project Area and Added Area ; and
- M. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- N. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The second paragraph of Section 308 of the Redevelopment Plan, as amended, is hereby amended to read as follows:

“It is in the public interest and is necessary in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in all portions of the Project Area. The Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.

The following limitations on the use of the power of eminent domain apply separately and independently to the Original Area and the Added Area.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings in accordance with Government Code § 27295 and CRL § 33373.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9. The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the Army Depot Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and

cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

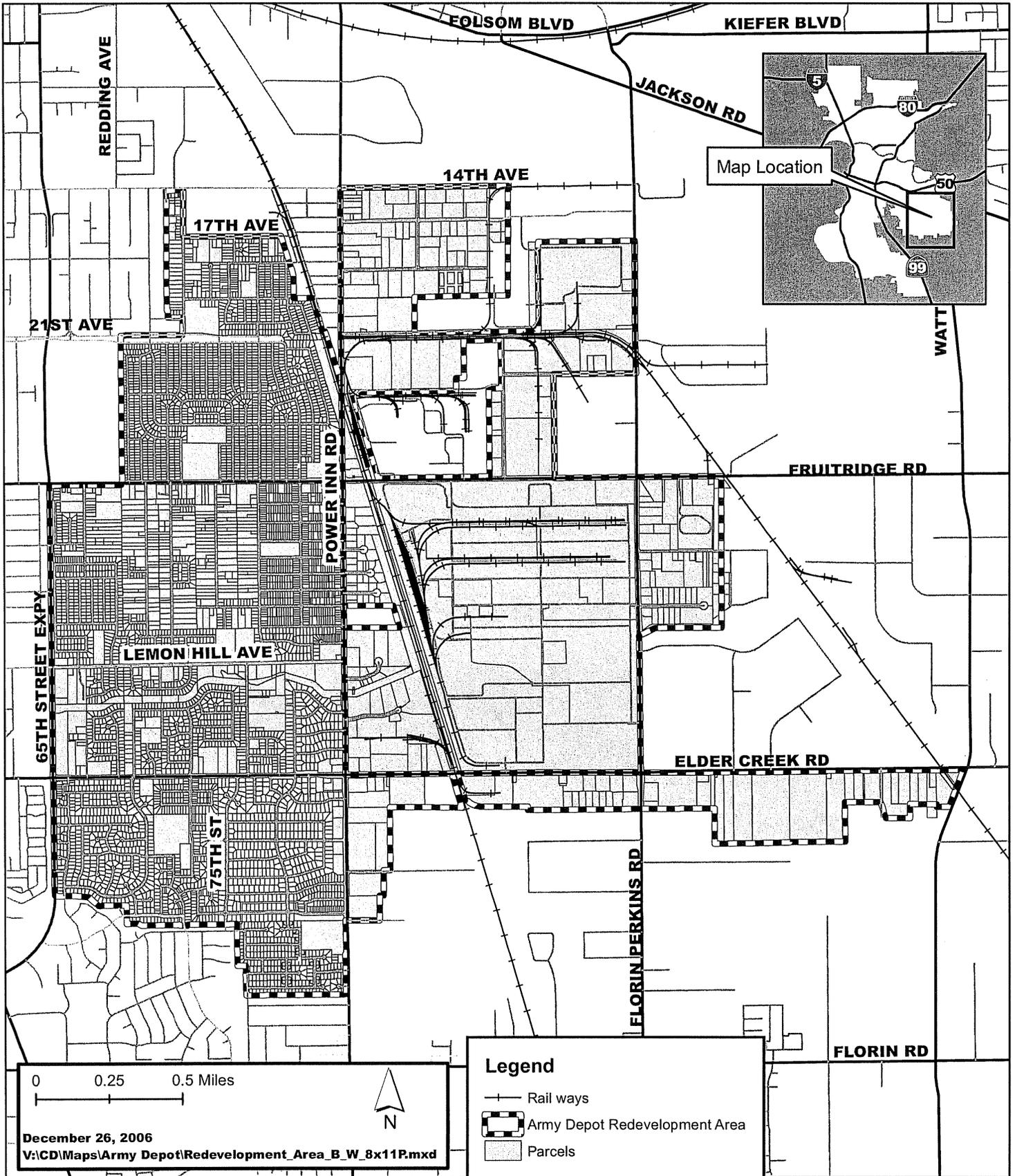
\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# Army Depot Redevelopment Area



0 0.25 0.5 Miles



December 26, 2006  
V:\CD\Maps\Army Depot\Redevelopment Area\_B\_W\_8x11P.mxd

### Legend

- Rail ways
- Army Depot Redevelopment Area
- Parcels

**ORDINANCE NO. 2007- \_\_\_\_\_**

**Adopted by the Sacramento City Council**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SACRAMENTO ADOPTING THE FIRST AMENDMENT TO THE REDEVELOPMENT  
PLAN FOR THE 65<sup>TH</sup> REDEVELOPMENT PROJECT, ADOPTING AN EMINENT  
DOMAIN PROGRAM FOR THE 65<sup>TH</sup> STREET REDEVELOPMENT  
PROJECT AND DIRECTING CITY STAFF TO RECORD A  
REVISED STATEMENT OF PROCEEDINGS**

**BACKGROUND**

- A. Pursuant to Ordinance No. 2004-032 adopted on June 29, 2004, and in accordance with the provisions of California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (“CRL”), the City Council (“City Council”) of the City of Sacramento (“City”) has approved and adopted that certain Redevelopment Plan for the 65<sup>th</sup> Street Redevelopment Project (“Project Area”);
- B. The Sacramento Housing and Redevelopment Agency (“Agency”) is engaged in activities necessary to carry out the Redevelopment Plan;
- C. Pursuant to CRL § 33342.7, prior to July 1, 2007, the legislative body of the Agency is required to adopt an ordinance containing a description of the Agency’s eminent domain program (“Eminent Domain Program”) for the Project Area;
- D. The Agency must record with the Sacramento County Recorder a description of the land within the Project Area and a statement that any proceedings for the redevelopment of the Project Area have been instituted under CRL § 33373 (“Statement of Proceedings”);
- E. New CRL § 33373(d) more particularly requires the recordation of such Statement of Proceedings prior to the Agency’s commencement of any future eminent domain action;
- F. Section 309 of the Redevelopment Plan for the Project Area authorizes the Agency to acquire certain real property by eminent domain for twelve (12) years from the date of the adoption of the Redevelopment Plan;
- G. The deadline to acquire certain commercial property by eminent domain is June 29, 2016;
- H. The Agency is not authorized to acquire, by eminent domain, residential property in the Project Area;
- I. It is the intent of the legislative body of the Agency to promote effective redevelopment, but to discourage abuses of eminent domain powers;

- J. The Agency intends to comply with all applicable laws relating to payment of fair market value, relocation expenses, loss of business goodwill and such other damages as may be allowed by law when property is taken by eminent domain;
- K. The City now desires to adopt an eminent domain program describing the Agency's program to acquire real property by eminent domain in the Project Area, including any limitations on the Agency's exercise of the power of eminent domain in the Project Area;
- L. City staff has determined that the approval and adoption of this Ordinance does not constitute an approval of any specific program, project or expenditure and does not constitute a project with in the meaning of the California Environmental Quality Act (Public Resources Code § 21000) ("CEQA"); and
- M. Pursuant to the foregoing, City staff has determined that a notice of exemption ("Notice of Exemption") for the approval of this Ordinance should be filed with the County of Sacramento, pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL OF THE CITY OF SACRAMENTO ENACTS AS FOLLOWS:**

Section 1. After due consideration of the evidence presented, the foregoing recitals are true and correct.

Section 2. The purpose of this Ordinance is to adopt the Eminent Domain Program for the Project Area within the territorial jurisdiction of the City pursuant to CRL § 33342.7.

Section 3. The goal of the Agency is to improve the quality of life in the City of Sacramento by eliminating the existence of blight, abandoned properties, boardups, inconsistent uses, and properties that experience repeated calls for police services or otherwise constitute a nuisance.

Section 4. The following paragraph shall be added at the end of Section 309 of the Redevelopment Plan:

**"EMINENT DOMAIN PROGRAM**

The Agency is authorized to acquire commercial real property by eminent domain pursuant to the provisions of this Plan and the Agency shall strictly adhere to the following in assessing just compensation and damages to affected owners: The Fifth Amendment to the United States Constitution, Article I, section 19 of the California Constitution, the Eminent Domain Law (California Code of Civil Procedure Section 1230010, et seq.), the California Relocation Assistance Act (California Government Code Section 7260, et seq.), implementing rules and regulations (Title 25, California Code of Regulations) and such other applicable local, state or federal ordinances, statutes, rules, regulations and decisional laws. The Agency shall assess the payment of fair market value for interests in real property, payment for the taking and damaging of improvements, fixtures and

equipment, any diminution in value caused to a remainder of property acquired pursuant to a resolution of necessity, relocation benefits and assistance, loss of business goodwill in appropriate cases and the necessary costs of mitigating a loss of business goodwill.”

Section 5. The Mayor shall sign this Ordinance and the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the continuing responsibility for carrying out the Redevelopment Plan.

Section 6. The City Clerk is hereby directed to record with the County Recorder of Sacramento County, the Statement of Proceedings attached to this Ordinance as Exhibit “A” in accordance with Government Code § 27295 and CRL § 33375.

Section 7. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its final passage and shall be affixed to the Redevelopment Plan as an Amendment to such Plan.

Section 8. If any part of this Ordinance or the Redevelopment Plan, as amended, is held to be invalid for any reason, such decision shall not affect the validity of any remaining portion of this Ordinance or the Redevelopment Plan, as amended, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion had been deleted.

Section 9: The Executive Director of the Agency is hereby authorized to compile the Redevelopment Plan, as amended by this Ordinance, into a single document and said document, when filed with the City Clerk and the Agency Secretary, shall constitute the official Redevelopment Plan for the 65<sup>th</sup> Street Redevelopment Project.

Section 10. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause the Ordinance to be posted in at least three (3) public places within the City, and published once in The Sacramento Bee, a newspaper of general circulation in the City.

[SIGNATURES ON FOLLOWING PAGE]

Adopted by the City of Sacramento City Council on \_\_\_\_\_, 2007 by the following vote:

Ayes:

Noes:           None

Abstain:       None

Absent:        None

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

Passed for Publication: \_\_\_\_\_; Published \_\_\_\_\_

Effective: \_\_\_\_\_



# 65th Street Redevelopment Area

