

ORDINANCE NO. 1056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS DESCRIBING THE REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN PURSUANT TO THE PROVISIONS OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33342.7

WHEREAS, the Los Banos Redevelopment Agency (the "Agency") was established pursuant to the California Community Redevelopment Law (the "Redevelopment Law"), codified in Part 1 of Division 24 of the California Health and Safety Code; and

WHEREAS, the City of Los Banos ("City") adopted and approved the Redevelopment Plan (the "Redevelopment Plan") for the Los Banos Redevelopment Project (the "Project") and the redevelopment project area as established thereby (the "Original Project Area") by Ordinance No. 900 of the City on July 17, 1996; and

WHEREAS, in the form as adopted by Ordinance No. 900, the Redevelopment Plan contains provisions relative to the availability and use of eminent domain generally as follows: (a) the Agency may acquire any interest in real property located within the Project Area by any means authorized by law including eminent domain, excepting that the Agency may not acquire by eminent domain property upon which persons reside; and (b) the Agency may acquire property under the power of eminent domain for the implementation of public improvements, projects and programs as provided in the Redevelopment Plan (as such public improvements, projects and programs may from time to time to modified). The foregoing is a brief summary statement of the provisions of the Redevelopment Plan pertaining to eminent domain, which provisions are more fully set forth in the Redevelopment Plan; and

WHEREAS, the Agency's authority under the Redevelopment Plan to acquire real property by eminent domain will expire or lapse on July 17, 2008; and

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

WHEREAS, the governing board of the Agency has reviewed this Ordinance and has requested that the City Council adopt this Ordinance; and

WHEREAS, in order to maintain compliance with the Community Redevelopment Law (*Health and Safety Code* section 33000, *et seq.*), and in view of the request of the Agency, the City has decided to adopt this ordinance describing the Agency's program to acquire real property by eminent domain pursuant to Health and Safety Code Section 33342.7.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

SECTION 1. The Agency's program for the acquisition of real property by eminent domain is hereby described as follows:

(a) If and to the extent authorized by the Redevelopment Plan, the Agency will exercise the power of eminent domain if and when the Agency determines that the exercise of such power is an appropriate and useful tool, and

(b) If and to the extent authorized by the Redevelopment Plan, the Agency will exercise the power of eminent domain in compliance with the terms and limitations, if any, set forth in the Redevelopment Plan.

SECTION 2. Except as expressly otherwise set forth in Sections 1 and 2 of this Ordinance, no amendment to the Redevelopment Plan and no change to or limit upon the authority of the Agency is effected by this Ordinance, including without limitation provisions for the Agency to acquire property by means other than the exercise of the power of eminent domain by the Agency. This Ordinance shall not limit the authority of the City in any respect.

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

SECTION 4. The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 5. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced by Council Member Villalta and seconded by Council Member Faria on the 16th day of May 2007.

Passed on the 6th day of June 2007 by the following vote:

AYES: Council Member Brooks, Faria, Sousa, Villalta, Mayor Jones
NOES: None
ABSENT: None

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk