

When recorded return to:

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ORDINANCE NO. 039-91

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STOCKTON
 ADOPTING THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE
 WEST END URBAN RENEWAL REDEVELOPMENT PROJECT NO. 1 PURSUANT TO
 THE COMMUNITY REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA

BE IT ORDAINED BY THE THE CITY COUNCIL OF THE CITY OF STOCKTON
 AS FOLLOWS:

Section 1. Preliminary Statement. The Redevelopment Agency of the City of Stockton (the "Agency") has made studies of the location, physical condition of structures, environmental influences, land use, and social, economic and cultural conditions of that certain area known as the Amended West End Urban Renewal Project No. 1 Redevelopment Project Area, more particularly described on the attached Exhibit A (the "Amended Project Area"), and has determined that the Amended Project Area is a blighted area and is detrimental to the safety, health, and welfare of the users thereof and of the City of Stockton at large because of:

- a. Economic dislocation, deterioration or disuse resulting from blighting physical, social, and economic conditions.
- b. The ineffective, uneconomic and unproductive use of land due to the existence of lots of inappropriate size, configuration or placement and inappropriate access to vehicular traffic, and utilities necessary to allow private development.
- c. The continuing problem of traffic circulation problems.
- d. The existence of inadequate infrastructure, public improvements, public facilities, neighborhood open spaces and utilities which cannot be remedied by private or governmental action without redevelopment.

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e. The existence of residential and commercial structures characterized by age, obsolescence, deterioration, dilapidation, vacancy of buildings and mixed and shifting uses.

f. The existence of vacant land on which structures were previously located, abandoned and vacant buildings, substandard structures and vacancies.

g. The existence of abandoned and/or deteriorated buildings due to lack of maintenance and upkeep.

Pursuant to the California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (hereinafter referred to as the "Redevelopment Law"), the Agency has prepared and submitted to the City Council for review and adoption the Amended and Restated Redevelopment Plan (the "Amended Plan") for the West End Urban Renewal Project No. 1 Redevelopment Project (the "Project"). The Amended Plan consists of thirty-one (31) pages, including three (3) exhibits, and is incorporated in this Ordinance by this reference. A copy of the Amended Plan is on file with the City Clerk.

The Planning Commission of the City of Stockton, which is the duly designated and acting official planning body of the City of Stockton, has submitted to the City Council its report and recommendation dated May 23, 1991 recommending approval and adoption of the Amended Plan and has certified that the Amended Plan conforms to the General Plan for the City.

The Project Area Committee, which was duly formed by the Agency pursuant to Health and Safety Code Section 33385 et seq. has submitted to the City Council its report and recommendation dated May 23, 1991 recommending approval and adoption of the Amended Plan.

The Amended Plan for the Project prescribes certain land uses for the Amended Project Area and may require, among other things, changes in zoning, the vacating and removal of streets of record and other public rights of way, and the establishment of new street patterns, the location of sewers, water mains, lighting and utility lines and other public facilities.

The Agency has prepared and submitted and the City Council has reviewed and considered the Report on the Amended Plan, as supplemented, pursuant to Health and Safety Code Section 33352.

The Agency has prepared and submitted to the City Council a program for the relocation of individuals and families that may be displaced as a result of implementing the Amended Plan.

The City Council is cognizant of the conditions that are imposed in the undertaking and implementation of redevelopment projects under State law, including those prohibiting discrimination because of race, color, creed, religion, sex, marital status, national origin, or ancestry.

The City and Agency staff have prepared and submitted to the City Council for review and certification an Environmental Impact Report ("EIR") prepared pursuant to the California Environmental Quality Act of 1970 as amended ("CEQA"), the Official State Guidelines as amended for the implementation of the Act (the "State EIR Guidelines"), and the City of Stockton and Agency local guidelines for administering CEQA (the "Local Guidelines"). A copy of the EIR is on file with the City Clerk. The Planning Commission has submitted to the City Council and Agency a resolution dated May 23, 1991 recommending certification of the EIR.

By separate resolutions adopted prior to the adoption of this Ordinance, the City Council and Agency have certified that the EIR has been completed in compliance with CEQA, the State EIR Guidelines, and the Local Guidelines; that the EIR adequately addresses the environmental issues of the Project and the Amended Plan; and that the City Council and the Agency have reviewed and considered the information contained in the EIR prior to approving the Project and the Amended Plan. These resolutions also identify the significant effects of the Project and the Amended Plan, adopt mitigation measures and monitoring programs therefor, and make certain findings and statements in compliance with Sections 15091, 15092, and 15093 of the State EIR Guidelines.

On June 10, 1991, prior to adoption of the Amended Plan, the City Council and the Agency conducted a joint public hearing which was duly noticed in accordance with the requirements of the Redevelopment Law.

At or prior to the joint public hearing on the Amended Plan, the City Council and Agency received certain written objections to the Amended Plan. Prior to the introduction of this Ordinance, by City Council Resolution No. 91-0484, dated July 1, 1991, and pursuant to Health & Safety Code Section 33363, the City Council prepared its responses and findings (the "Findings") in writing to all written objections it received in connection with consideration of adoption of the Amended Plan.

Section 2. Findings and Determinations. Based upon the evidence contained in the Report on the Amended Plan, the EIR, the Findings, and other documents prepared in the Amended Plan adoption process and on evidence presented at the public hearing, it is hereby found and determined that:

a. The Amended Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in, and it qualifies as an eligible area under, the Redevelopment Law (see particularly Parts III, IV, V, VI, and VIII of the Report on the Amended Plan regarding evidence with respect to this finding).

b. The Amended Plan conforms to the General Plan of the City of Stockton (see particularly Part X of the Report on the Amended Plan, as supplemented, regarding evidence with respect to this finding).

c. The Amended Plan would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety and welfare; and the implementation of the Amended Plan would promote the public peace, health, safety and welfare of the City of Stockton, and would effectuate the purposes and policy of the Redevelopment Law (see particularly the Parts III, IV, and V of the Report on the Amended Plan regarding evidence with respect to this finding).

d. The adoption and implementation of the Amended Plan is economically sound and feasible (see particularly Parts VI and VII of the Report on the Amended Plan regarding evidence with respect to this finding).

e. The Amended Plan will afford maximum opportunity, consistent with the sound needs of the City of Stockton, as a whole, for the redevelopment of the Project Area by private enterprise (see particularly Part VI.c. of the Amended Plan and the Agency's adopted Rules for Owner Participation and Business Tenant Preference regarding evidence with respect to this finding).

f. The Agency has a feasible method or plan for the relocation of families and persons which may be displaced from the Project Area if the Amended Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area (see particularly Parts VIII and XV of the Report on the Amended Plan and the Agency's adopted Relocation Guidelines regarding evidence with respect to this finding).

g. There are, or are being provided, in the Amended Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Amended Project Area, decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and persons and reasonably accessible to their places of employment (see particularly Part

VIII of the Report on the Amended Plan regarding evidence with respect to this finding).

h. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Amended Project Area, if any, are displaced and that pending the development of such facilities there will be available to such displaced occupants housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Part VIII of the Report on the Amended Plan and Parts VI.f. and VI.i. of the Amended Plan regarding evidence with respect to this finding).

i. The Amended Project Area contains property suitable for low and moderate income housing (see particularly Part XV of the Report on the Amended Plan regarding evidence with respect to this finding).

j. The Amended Project Area contains approximately 464 acres. The Amended Project Area does not contain any noncontiguous areas, therefore, the finding that all noncontiguous areas of the Amended Project Area are blighted or necessary for effective redevelopment, and are not included in the Amended Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety Section 33670, is not relevant.

k. The inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare are necessary for the effective redevelopment of the Amended Project Area of which they are a part and are not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Health & Safety Code Section 33670 without other substantial justification for their inclusion (see particularly Parts III, IV, V, VI, and VIII of the Report on the Amended Plan regarding evidence with respect to this finding).

l. In order to implement and facilitate the effectuation of the Amended Plan hereby approved and adopted, certain official actions must be taken by this City Council with reference, among other things, to changes or modifications in zoning, the vacation and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location of sewer and water mains, lighting and utility lines and other public facilities and other public action, and accordingly, this Council hereby (i) pledges its cooperation in helping to implement the Amended Plan; (ii) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Amended Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Amended Plan; (iii) stands ready to consider

and take appropriate action upon proposals and measures designed to effectuate the Amended Plan; and (iv) intends to undertake and complete any proceedings necessary to be implemented by the community under the provisions of the Amended Plan.

m. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency (see particularly Part IV of the Report on the Amended Plan regarding evidence with respect to this finding).

n. The condemnation of real property, if any, is necessary to the execution of the Amended Plan and adequate provisions have been made for payment of property to be acquired as provided by law (see particularly Part VIII of the Report on the Amended Plan and Section VI.b. of the Amended Plan regarding evidence with respect to this finding).

o. The Agency and the City have agreed to enter into certain fiscal agreements with affected taxing agencies pursuant to Health & Safety Code Section 33401(b) (the "Fiscal Agreements"). The Agency will also implement other fiscal mitigation measures as described in the supplement to the Report on the Amended Plan. The effect of tax increment financing, as mitigated by the Fiscal Agreements and other fiscal mitigation measures set forth in the Report on the Amended Plan, will not cause significant financial burden on or detriment to any taxing agency deriving revenues from the Amended Project Area (see particularly Parts VI, VII, and XVI of the Report on the Amended Plan regarding evidence with respect to this finding).

p. The development of the public improvements set forth in the Amended Plan are of benefit to the Amended Project Area and to the immediate neighborhood in which the Amended Project Area is located; no other reasonable means of financing such improvements are available to the community; and, based on these findings, the Agency is authorized to pay all or a part of the value of the land for and the cost of the installation and construction of the public improvements set forth in the Amended Plan, as permitted by Health & Safety Code Section 33445 (see particularly Part IV of the Report on the Amended Plan regarding evidence with respect to this finding).

Section 3. Overruling of Objections. All written and oral objections to the Amended Plan are hereby overruled. In accordance with Health & Safety Code Section 33363, the reasons for overruling all written objections are more fully set forth in the Findings.

Section 4. Approval of Amended Plan. The Amended Plan for the Amended Project Area, having been duly received and considered, is approved and adopted, and the City Clerk is hereby directed to file a copy of the Amended Plan with the minutes of this meeting. The Amended Plan, which contains, among other elements, the statement of the purpose and intent of the City Council with respect to the Amended Project Area, is incorporated in this Ordinance by reference. The Amended Plan is hereby designated as the official Redevelopment Plan for the Amended Project Area. It is the purpose and intent of this City Council that the Amended Plan be implemented in the Amended Project Area.

A copy of this Ordinance shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Amended Plan.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after thirty (30) days from the date of its final passage.

EXHIBIT "A"

LEGAL DESCRIPTION

All that real property in the City of Stockton, County of San Joaquin, State of California within the boundaries of the West End Urban Renewal Redevelopment Project No. 1, a description of which was recorded with the County Recorder pursuant to Section 33373 of the Health & Safety Code at Volume 2522, Page 509, Official Records of San Joaquin County, as amended subsequently at Book 3917, Page 487, Official Records of San Joaquin County, as subsequently amended by Ordinance 3308 C.S. adopted on March 31, 1980, recorded on April 9, 1980 as Document #80-023407, Official Records of San Joaquin County.

In addition to the existing boundaries of the Project Area, the boundaries of the real property proposed to be added to the Project Area are as follows:

Commencing at the intersection of the south line of Weber Avenue with the west line of Edison Street as shown on that certain Map of Survey filed for record December 11, 1979 in Book of Surveys, Volume 27, Page 186, San Joaquin County Records, the bearings and distances in this description are based on said Map; thence South 11° 40' 00" East 551.56 feet along the westerly line of said Edison Street to a point in the southwesterly boundary line of the lands shown on said Record of Survey; thence along said southwesterly boundary line South 60° 23' 00" East 0.99 feet; thence leaving said southwesterly boundary line crossing Mormon Channel as shown on said survey South 29° 37' 00" West 160 feet to a point in the northwesterly line of the right of way of Interstate Highway Route No. 5 as shown on said Survey; thence along said right of way line and its northwesterly projection North 60° 23' 00" West 2,309.87 feet to a point in the Stockton Channel on the southerly projection of the east line of Argonaut Street; thence along the easterly line of said Argonaut Street projected southerly North 11° 39' 07" West 274.56 feet to Harbor Line Point No. 64 as said Harbor Line Point is shown upon the Map entitled "Harbor Lines Stockton and Fremont Channel and McLeod Lake, Stockton, California", U. S. Engineer's Office, Sacramento, California and dated April 1952; thence South 88° 47' 42" East 705.59 feet along the north Harbor Line to Harbor Line Point No. 62 and the TRUE POINT OF BEGINNING of the herein described Project Area, said Point of Beginning also being a point on the southerly projection of the westerly line of Yosemite Street; thence North 75° 39' 52" East 131.08 feet along said North Harbor Line to the intersection of the south line of Block 17½ as shown on the Map of West Stockton; thence North 82° 54' 49" East 50.91 feet along said South line; thence North 78° 21' 06" East 249.80 feet along said south line to a point on said North Harbor Line said point bearing North 83° 19' 32" West 758.92 feet from Harbor Line Point No. 58; thence South 83° 19' 32" East 75.70 feet along said Harbor Line to a point on the southerly boundary of Wood Island; thence South 69° 22' 42" East 204.85 feet along last said southerly boundary; thence South 55° 22' 24" East 150.00 feet along last said southerly boundary; thence South 86° 12' 54" East 334.00 feet along last said southerly boundary; thence North 78° 17' 06" East 50.00 feet along last said southerly boundary to a point bearing South 11° 49' 34" East from said harbor Line Point No. 58; thence North 11° 49' 34" West 19.74 feet; thence North 78° 10' 59" East 92.03 feet; thence North 11° 49' 34" West 20.22 feet; thence North 62° 10' 59" East 25.99 feet; thence North 01° 35' 01" West 44.88 feet to a point on said North Harbor Line; thence North 78° 24' 59" East 1,255.69 feet along said north line to Harbor Line Point No. 56; thence North 78° 24' 59" East 305.00 feet along said North line to Harbor

Line Point No. 54; thence North 23° 19' 53" East 408.52 feet along said north line to Harbor Line Point No. 52, said Point No. 52 being on the southerly projection of the west line of Madison Street; thence northerly along said southerly extension of said west line of Madison Street and the west line of Madison Street to its intersection with the southeasterly extension of the northerly line of Steamboat Levee; thence northeasterly along said northerly line of Steamboat Levee to its intersection with the east line of Commerce Street; thence northerly along said east line of Commerce Street to its intersection with the south line of Fremont Street; thence easterly along the south line of said Fremont Street to its intersection with the east line of Center Street; thence southerly along said east line of Center Street to its intersection with the north line of Weber Street; thence easterly along said north line of Weber street to its intersection with the east line of Hunter Street; thence southerly along said east line of Hunter Street to its intersection with the south line of Washington Street; thence westerly along said south line of Washington Street to its intersection with the west line of Center Street; thence southerly along said west line of Center Street to its intersection with the south line of Sonora Street; thence easterly along said south line of Sonora Street to its intersection with the west line of Sacramento Street; thence northerly along said west line of Sacramento Street to its intersection with the north line of Park Street; thence westerly along said north line of Park Street to its intersection with the west line of Yosemite Street; thence southerly along said west line of Yosemite Street and its southerly projection to Harbor Line Point No. 64 and the True Point of Beginning of the herein described project containing 464 acres, more or less.

CERTIFICATE

This is to certify that Ordinance No. 039-91 was passed to print by the City Council of the City of Stockton, on the 1st day of JULY 1991, by the following vote:

AYES:---Councilmembers *McCarthy, McGaughey, Minnick, Panizza, Rust, Vice Mayor Weaver and Mayor Darrah*

NOES:---None

ABSENT:--None

Stockton, Cal. JULY 2, 1991

Francis Hong
City Clerk of the City of Stockton

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This is to certify that on the 5th day of JULY 1991, I caused Ordinance No. 039-91 with the ayes and noes, to be published in the Stockton Record, a daily newspaper of general circulation, published and circulated in the City of Stockton, being the official newspaper of the City of Stockton as provided by the Charter of the City of Stockton.

Stockton, Cal., JULY 2, 1991

Francis Hong
City Clerk of the City of Stockton

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This is to certify that Ordinance No. 039-91 was finally passed and adopted by the City Council of the City of Stockton on the 15th day of JULY, 1991, by the following vote:

AYES:---Councilmembers *McCarthy, McGaughey, Minnick, Panizza, Rust, Vice Mayor Weaver and Mayor Darrah*

NOES:--- None

ABSENT:-- None

Stockton, Cal., JULY 16, 1991

Francis Hong
City Clerk of the City of Stockton

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This is to certify the Ordinance No. 039-91 of the City Council of the City of Stockton is hereby signed by me this 16th day of JULY, 1991.

Attest:

Francis Hong
City Clerk of the City of Stockton

Joan Darrah
Mayor of the City of Stockton