

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**
AGENDA REPORT

2007 APR 07 AM 10:33

To: Office of the City/Agency Administrator
Attn: Deborah Edgerly
From: Community and Economic Development Agency
Date: May 8, 2007

Re: Report and Recommendations on Ordinances Describing the Eminent Domain Program as Required by the Community Redevelopment Law for Each of the Following Redevelopment Project Areas: Acorn, Broadway/MacArthur/San Pablo, Central City East, Central District, Coliseum, Oak Center, Oak Knoll, Oakland Army Base, Stanford/Adeline and West Oakland

SUMMARY

Under recently adopted legislation, SB 53, the City must adopt an ordinance by July 1, 2007, describing the Redevelopment Agency's eminent domain program for acquiring real property by eminent domain for each redevelopment plan adopted before 2007. All ten of the City's redevelopment project areas have redevelopment plans that were adopted before 2007, including: Acorn, Broadway/MacArthur/San Pablo, Central City East, Central District, Coliseum, Oak Center, Oak Knoll, Oakland Army Base, Stanford/Adeline and West Oakland.

FISCAL IMPACT

Adoption of an ordinance describing the eminent domain program for each of the City's ten redevelopment project areas will not change the fiscal impact from the already existing eminent domain policies of the Agency.

BACKGROUND

The Community Redevelopment Law provides redevelopment agencies the powers to eliminate blight within project areas. Each redevelopment project area must have a redevelopment plan that defines how local officials will manage the redevelopment project area. A redevelopment plan may allow for the use of eminent domain to acquire property within a project area.

Senate Bill 53, approved by Governor Schwarzenegger on September 29, 2006, requires a legislative body of a redevelopment agency that has adopted a final redevelopment plan before January 1, 2007 to pass an ordinance by July 1, 2007 that describes the project area's eminent domain program. Additionally, SB 53 requires that if a redevelopment agency that adopted a plan prior to January 1, 2007, needs to change its program on how it acquires real property by eminent domain or extend the timeline on the use of eminent domain within a project area, then it must make an amendment to the redevelopment plan. Further, SB 53 prohibits a redevelopment agency from amending a plan to extend the use of eminent domain unless the agency is able to make a new blight finding.

Item: _____
CED Committee
May 8, 2007

KEY ISSUES

The eminent domain program for each of the City's ten redevelopment project areas varies. The redevelopment plans for the three small and older redevelopment project areas in West and North Oakland, namely Oak Center, Acorn and Stanford/Adeline, were amended in December 1986, per the California Redevelopment Law, to set a time limit of December 16, 1998, on eminent domain powers in those areas. Therefore, the Agency currently has no authority to acquire property through eminent domain in the Oak Center, Acorn or Stanford/Adeline redevelopment areas.

The Broadway/MacArthur/San Pablo, Coliseum, Central City East and West Oakland redevelopment plans limit the use of eminent domain on residential properties.

- The Broadway/MacArthur/San Pablo redevelopment plan does not allow the use of eminent domain on residential-only properties with four or fewer units, with the exception of properties that are deemed substandard.
- The Coliseum redevelopment plan prohibits eminent domain actions on any residential property within the project area.
- The Central City East redevelopment plan exempts all owner-occupied singly family houses from eminent domain, except for those owner-occupied single family properties (1) that are located on designated commercial corridors, or (2) that have been declared substandard or a public nuisance by the City due to illegal activities or hazardous conditions.
- The West Oakland redevelopment plan has a fairly complex eminent domain policy. Eminent domain is only allowed in one of the three West Oakland redevelopment subareas. Within the one subarea where eminent domain is allowed, a residential property must meet all of the criteria below to be eligible for eminent domain: (1) the property is not an owner-occupied residential property with three or few units; (2) if the property is being acquired for a redevelopment project, it is located on a designated commercial corridor, contains four or more units, and the redevelopment project for which the property is being acquired does not exceed three acres. The West Oakland redevelopment plan also allows for the use of eminent domain in the subarea over non-owner-occupied residential property if the property presents an immediate danger to health and safety, has or is a source of environmental contamination, or has been used for illegal activities for a period of over a year.

The remaining redevelopment project areas (Central District, Oakland Army Base, and Oak Knoll) do not have any restrictions on eminent domain other than those required by State law.

In order to comply with SB 53, the proposed ordinances must contain the eminent domain provisions in each of its ten redevelopment plans.

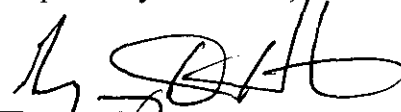
CEDA staff is requesting the City Council to adopt an ordinance describing the eminent domain program contained in the redevelopment plan for each of Oakland's ten project areas. The ordinances will not amend any of the eminent domain programs contained in the City's redevelopment plans; the descriptions simply restate the eminent domain provisions now contained in each redevelopment plan.

Another new redevelopment law (SB1809) requires the City to record a statement of institution, which includes a general description of the eminent domain provisions in each of the City's ten redevelopment plans, by December 31, 2007. Compliance with SB1809 is an administrative action that does not require City Council authorization. Agency staff will work with the City Attorney's office to record the statement of institutions by December 31, 2007.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt an ordinance describing the eminent domain program as required by the Community Redevelopment Law for each of the following Redevelopment Project Areas: Acorn, Broadway/MacArthur/San Pablo, Central City East, Central District, Coliseum, Oak Center, Oak Knoll, Oakland Army Base, Stanford/Adeline and West Oakland.

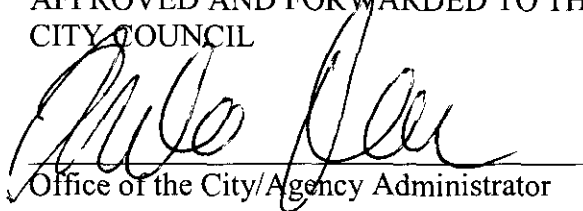
Respectfully submitted,



Gregory Hunter
Interim Director of Redevelopment,
Economic Development, Housing and
Community Development

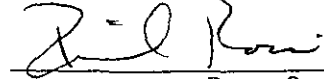
Prepared by: Bridget Galka, UEA III
Community and Economic Development Agency
Redevelopment

APPROVED AND FORWARDED TO THE
CITY COUNCIL


Office of the City/Agency Administrator

Item: _____
CED Committee
May 8, 2007

2007 APR 25 AM 10:34



DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE ACORN REDEVELOPMENT PROJECT**

WHEREAS, the City Council adopted the Acorn Urban Renewal Plan (the "Redevelopment Plan") on November 30, 1961; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Acorn Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

The Acorn Redevelopment Plan authorizes the Agency to acquire real property in the Acorn Redevelopment Project Area by eminent domain. However, under the time limits adopted under Ordinance No. 10823 C.M.S. as required by the Community Redevelopment Law, no eminent domain proceedings to acquire property within the Acorn Redevelopment Project Area may be commenced beyond December 16, 1998. Therefore, the Agency currently has no authority to acquire property through eminent domain in the Acorn Redevelopment Project Area.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE ACORN REDEVELOPMENT PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Acorn Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Acorn Redevelopment Project Area as amended.

2007 APR 25 AM 10:34

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE DESCRIBING THE EMINENT DOMAIN PROGRAM FOR THE BROADWAY/MACARTHUR/SAN PABLO REDEVELOPMENT PROJECT

WHEREAS, the City Council adopted the Broadway/MacArthur/San Pablo Redevelopment Plan (the "Redevelopment Plan") on July 25, 2000; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Broadway/MacArthur/San Pablo Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

Except as specifically exempted or limited in the Redevelopment Plan, the Agency may acquire, but is not required to acquire, any real property located in the Broadway/MacArthur/San Pablo Project Area by any means authorized by law, including eminent domain. However, the Agency may not acquire any residential property with four or fewer housing units through eminent domain, unless the property has been determined to be a substandard building under the Oakland Housing Code. A "residential property" is defined as any real property parcel containing one or more housing units in which a person resides. However, a "residential property" does not include a mixed-use property, that is, a property that includes commercial, retail or industrial uses (other than a home occupation as defined in the Oakland Planning Code) along with housing units. A "housing unit" means a living unit, a joint living and work quarter, or a joint residential-oriented living and working quarter, as those terms are defined in the Oakland Planning Code. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the ordinance adopting the Redevelopment Plan became effective, that is, by July 25, 2012.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the Redevelopment Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of the Redevelopment Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Broadway/MacArthur/San Pablo Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his or her responsibilities under the participation agreement.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the Broadway/MacArthur/San Pablo Project Area by any lawful means, including eminent domain.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE BROADWAY/MACARTHUR/SAN PABLO
REDEVELOPMENT PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Broadway/MacArthur/San Pablo Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Broadway/MacArthur/San Pablo Project Area, as amended.

2007 APR 25 AM 10:34


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE CENTRAL CITY EAST REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the Central City East Redevelopment Plan (the "Redevelopment Plan") on July 29, 2003; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Central City East Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

Except as specifically exempted in the Redevelopment Plan, the Agency may acquire, but is not required to acquire, any real property located in the Central City East Project Area by any means authorized by law, including eminent domain. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee. Eminent domain proceedings, if used, must be commenced within 12 years from the date the ordinance adopting the Redevelopment Plan became effective, that is, by July 29, 2015.

Notwithstanding the above, the Agency may not acquire by eminent domain any real property that contains a single-family owner-occupied house and is located outside the commercial corridors of the Central City East Project Area, unless the property has been declared substandard or a public nuisance by the City due to illegal activities or hazardous conditions.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the Central City East Redevelopment Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of the Redevelopment Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Central City East Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his or her responsibilities under the participation agreement.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the Central City East Project Area by any lawful means, including eminent domain.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

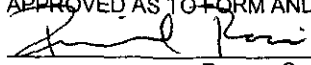


**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE CENTRAL CITY EAST REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Central City East Redevelopment Project Area as required by California Health and Safety Code Section 33342.7(a). *This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Central City East Project Area.*

2007 APR 25 AM 10:34


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE CENTRAL DISTRICT REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the Central District Urban Renewal Plan (the "Redevelopment Plan") on June 12, 1969; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. *The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Central District Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:*

The Agency may acquire real properties within the Central District Urban Renewal Area whenever such acquisition is, in the sole discretion of the Agency, determined to be necessary in order:

1. to remove a substandard condition inconsistent with the Redevelopment Plan which cannot otherwise be removed through rehabilitation, or
2. to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Redevelopment Plan, or
3. to provide land for public improvements or facilities, or
4. to promote historical or architectural preservation, or
5. to assemble a disposition parcel of adequate size, shape and location for redevelopment, and the achievement of other Plan objectives, or

6. to otherwise execute the Redevelopment Plan in conformity with the Community Redevelopment Law of California.

Within the Central District Redevelopment Project Area, except as otherwise limited under the Redevelopment Plan, the Agency may acquire real properties by purchase, gift, exchange, condemnation or any lawful manner.

The Agency's authority to acquire property in the Central District shall expire on June 12, 2009, except as provided below. No eminent domain complaint to acquire property in the Central District may be filed after this date, except as provided below.

Notwithstanding any provision of the Redevelopment Plan to the contrary, as to any areas added to the Project Area by amendment of the Redevelopment Plan adopted after June 1, 2001, the Agency may acquire, but is not required to acquire, any real property located in said additional areas by any means authorized by law, including eminent domain, except that in those additional areas the Agency is not authorized to employ the power of eminent domain to acquire property on which persons legally reside. Eminent domain proceedings for said additional areas, if used, must be commenced within twelve (12) years from the date the ordinance adopting the amendment to the Redevelopment Plan becomes effective.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE CENTRAL DISTRICT REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Central District Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Central District, as amended.

2007 APR 25 AM 10:34


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE COLISEUM REDEVELOPMENT PROJECT**

WHEREAS, the City Council adopted the Coliseum Redevelopment Plan (the "Redevelopment Plan") on June 23, 1995; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Coliseum Redevelopment Project Area, as set forth in the current Redevelopment Plan, is as follows:

Except as specifically exempted within the Redevelopment Plan, the Agency may acquire, but is not required to acquire, any real property located in the Coliseum Project Area by any means authorized by law. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the ordinance that adopted the Coliseum Redevelopment Plan became effective, that is, July 25, 2007. The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the

Redevelopment Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of the Redevelopment Plan. The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Coliseum Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his or her responsibilities under the participation agreement.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

SECTION 2. *This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.*

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE COLISEUM REDEVELOPMENT PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Coliseum Redevelopment Project Area as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Coliseum Project Area.

2007 APR 25 AM 10: 34

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE OAK CENTER REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the Oak Center Urban Renewal Plan (the "Redevelopment Plan") on November 30, 1965; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for *acquiring real property by eminent domain for the Oak Center Redevelopment Project Area*, as set forth in the current Redevelopment Plan, is as follows:

The Oak Center Redevelopment Plan authorizes the Agency to acquire real property in the Oak Center Redevelopment Project Area by eminent domain. However, under the time limits adopted under Ordinance No. 10824 C.M.S. as required by the Community Redevelopment Law, no eminent domain proceedings to acquire property within the Oak Center Redevelopment Project Area may be commenced beyond December 16, 1998. Therefore, the Agency currently has no authority to acquire property through eminent domain in the Oak Center Redevelopment Project Area.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California



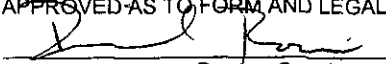
**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE OAK CENTER REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Oak Center Redevelopment Project Area as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Oak Center Project Area.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 APR 25 AM 10:34

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE DESCRIBING THE EMINENT DOMAIN PROGRAM FOR THE OAK KNOLL REDEVELOPMENT PROJECT

WHEREAS, the City Council adopted the Oak Knoll Redevelopment Plan (the "Redevelopment Plan") on July 14, 1998; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Oak Knoll Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Oak Knoll Project Area by any means authorized by law. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the County auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law. The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the Redevelopment Plan, and the owner fails or refuses to execute a participation

agreement in accordance with the provisions of the Redevelopment Plan. The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Oak Knoll Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his or her responsibilities under the participation agreement.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the Oak Knoll Project Area by any lawful means, including eminent domain.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE OAK KNOLL REDEVELOPMENT PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Oak Knoll Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Oak Knoll Project Area.

2007 APR 25 AM 10: 34


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE OAKLAND ARMY BASE REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the Oakland Army Base Redevelopment Plan (the "Redevelopment Plan") on July 11, 2000; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. *The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Oakland Army Base Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:*

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Oakland Army Base Redevelopment Project Area by any means authorized by law, including eminent domain. *The Redevelopment Plan provides that eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law. The Agency obtained this certification as of June 30, 2002; therefore, the time limit for the use of eminent domain for the Oakland Army Base Redevelopment Project is June 30, 2014*

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. *The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.*

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization, or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape, or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions, and requirements of the Redevelopment Plan and the owner fails or refuses to execute a participation agreement in accordance with the provisions of the Redevelopment Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Oakland Army Base Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the Oakland Army Base Project Area by any lawful means, including eminent domain.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

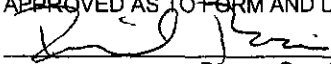
**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE OAKLAND ARMY BASE REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Oakland Army Base Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Oakland Army Base.

OFFICE OF THE CITY CLERK
OAKLAND

2007 APR 25 AM 10:34

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE STANFORD/ADELINE REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the Stanford/Adeline Redevelopment Plan (the "Redevelopment Plan") on April 10, 1973; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the Stanford/Adeline Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

The Stanford/Adeline Redevelopment Plan authorizes the Agency to acquire real property in the Stanford/Adeline Redevelopment Project Area by eminent domain. However, under the time limits adopted under Ordinance No. 10820 C.M.S. as required by the Community Redevelopment Law, no eminent domain proceedings to acquire property within the Stanford/Adeline Redevelopment Project Area may be commenced beyond December 16, 1998. Therefore, the Agency currently has no authority to acquire property through eminent domain in the Stanford/Adeline Redevelopment Project Area.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES- _____

ABSENT- _____

ABSTENTION- _____

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE STANFORD/ADELINE REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the Stanford/Adeline Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the Stanford/Adeline Project Area.

2007 APR 25 AM 10:34


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE WEST OAKLAND REDEVELOPMENT
PROJECT**

WHEREAS, the City Council adopted the West Oakland Redevelopment Plan (the "Redevelopment Plan") on November 18, 2003; and

WHEREAS, the Redevelopment Plan as amended contains provisions on the acquisition of real property by eminent domain; and

WHEREAS, Health and Safety Code Section 33342.7(a) requires the legislative body to adopt an ordinance that contains a description of the redevelopment agency's program to acquire real property by eminent domain; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Redevelopment Agency of the City of Oakland's program for acquiring real property by eminent domain for the West Oakland Redevelopment Project, as set forth in the current Redevelopment Plan, is as follows:

Except as specifically exempted or limited in the Redevelopment Plan, the Agency may acquire, but is not required to acquire, any real property located in the West Oakland Project Area by any means authorized by law.

Notwithstanding the above, the Agency may not acquire property located in either the Prescott/South Prescott subarea or the Hoover/MacArthur subarea by eminent domain. The Agency may acquire real property located in the Clawson/McClymonds/Bunche subarea by eminent domain but only if the property acquisition meets all of the conditions set forth below. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

Real property in the Clawson/McClymonds/Bunche subarea may not be acquired by the Agency through eminent domain unless the property acquisition meets all of the following conditions:

- a. The property is not an owner-occupied residential property. For purposes of this paragraph, an "owner-occupied residential property" means a residential property with three or fewer living units if either (a) the property is eligible for the homeowners' property tax exemption under Article XIII, Section 3, Subsection (k) of the California Constitution, or (b) a person or persons owning a 50% or greater interest in the property, or a relative of such a person or persons, resides on the property as their principal place of residence. A "residential property" means any real property parcel containing one or more living units in which a person resides, including a mixed-use property that contains one or more such living units. A "living unit" means any dwelling unit, live-work, work-live, or live-in artist studio unit, rooming unit, or mobile home. A "relative" means a spouse, domestic partner, child, grandchild, child or grandchild of a spouse or domestic partner, sibling, parent, or grandparent. A "domestic partner" means a domestic partner declared under a Declaration of Domestic Partnership pursuant to City of Oakland policy. For purposes of this subsection, a beneficiary of a trust shall be deemed to hold an ownership interest in the property.
- b. If the property is being acquired for a redevelopment project, the property meets all of the following criteria:
- (1) The property is located within a designated commercial corridor in the Clawson/ McClymonds/Bunche subarea of the West Oakland Project Area.
 - (2) The property is not occupied by a residential rental property with fewer than four living units.
 - (3) The redevelopment project does not exceed three acres in total land area. For a project that is to be developed in multiple phases, "total land area" means the land area for all phases of the project.
 - (4) The Agency has entered into an agreement for redevelopment of the property, prior to adoption of the resolution of necessity, committing the owner or developer to develop the redevelopment project. This agreement shall include requirements that the project be developed according to development plans approved by the Agency and consistent with the Redevelopment Plan, and that the development be commenced and completed within a specified timeframe. This agreement may make development contingent on the Agency's discretionary adoption of a resolution of necessity.
- c. If the property is not being acquired for a redevelopment project, the property is blighted or hazardous, as determined by the Oakland City Council by resolution. Such a Council determination may be made only if one of the following conditions is met:

- (1) The property presents a clear and immediate danger to the health and safety of persons occupying the property or persons in the surrounding area, as determined by the Oakland City Council, and such conditions have not been abated after notice as required by law. A property shall be deemed to present a clear and immediate danger to health and safety if it meets the standard of a "dangerous building" under the Oakland Housing Code (section 15.08.380 of the Oakland Municipal Code) or the Oakland Dangerous Buildings Code (Ordinance No. 8016 C.M.S.), an "immediate hazard and danger" under the Earthquake-Damaged Structures Ordinance (section 15.24.040 of the Oakland Municipal Code), or an "imminent danger" under the Uniform Fire Code (section 15.12.010 of the Oakland Municipal Code).
 - (2) Soils or groundwater on or under the property are contaminated with hazardous materials beyond applicable legal standards, as determined by a public agency that regulates such materials under state or federal hazardous materials laws, such contamination has been generated onsite or has been brought on-site by a user of the property, and such conditions have not been abated within one year after notice as required by law.
 - (3) The property has been a documented source of air or water pollution in violation of federal, state or local environmental laws, and such conditions have not been abated after notice as required by law.
 - (4) The property has been used for illegal activities, including without limitation illegal dumping and storage, such illegal uses have been ongoing and documented for one year or more prior to adoption of the *resolution of necessity*, and the property owner has failed to take reasonable steps to prevent or abate the illegal activities.
- d. A Project Area Committee ("PAC"), within the meaning of Section 33385 of the Community Redevelopment Law, is in existence for the West Oakland Project Area, and the Agency has consulted with the PAC about the proposed use of eminent domain. The Agency shall submit any proposed use of eminent domain to the PAC no later than 90 days prior to the scheduled Agency public hearing on the resolution of necessity for the acquisition, and the PAC shall forward its recommendation as to the proposed acquisition to the Agency within 60 days of submission. A PAC recommendation to the Agency in favor of the proposed use of eminent domain shall require a two-thirds vote of the PAC.
- e. The eminent domain proceedings for the acquisition are commenced within eight years from the date the ordinance adopting the Redevelopment Plan became effective, that is, by November 18, 2011.
- f. The property has not been retained by an owner pursuant to a participation agreement, unless the owner has not fully performed under the agreement.

- g. The property does not contain an existing building to be continued on its present site and in its present form and use, unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the Redevelopment Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of the Redevelopment Plan.
- h. The property is not owned by a public body.

Notwithstanding a through c above, the Agency shall have the power to acquire billboards or other outdoor advertising signs, as defined in Section 202 of the Oakland Sign Code (Oakland Municipal Code Section 14.04.070), by eminent domain in the Clawson/McClymonds/Bunche subarea.

Generally, personal property shall not be acquired. However, where necessary in the execution of the Redevelopment Plan, the Agency is authorized to acquire personal property in the West Oakland Project Area by any lawful means.

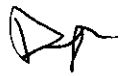
SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
 City Clerk and Clerk of the Council
 of the City of Oakland, California



**AN ORDINANCE DESCRIBING THE EMINENT DOMAIN
PROGRAM FOR THE WEST OAKLAND REDEVELOPMENT
PROJECT**

NOTICE AND DIGEST

This ordinance describes the eminent domain program for the West Oakland Redevelopment Project as required by California Health and Safety Code Section 33342.7(a). This description conforms to the eminent domain provisions contained in the current Redevelopment Plan for the West Oakland Project Area.