

OFFICE OF THE CITY ATTORNEY
FILED
APPROVED AS TO FORM AND LEGALITY
2004 OCT 28 PM 5:54
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. 12643 C.M.S.

**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE
OAK KNOLL REDEVELOPMENT PLAN TO EXTEND THE TIME
LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX
INCREMENT REVENUE BY ONE YEAR**

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

WHEREAS, the Redevelopment Plan set the time limit on the effectiveness of the Redevelopment Plan at 30 years from the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency, as certified by the County Auditor pursuant to Health and Safety Code Section 33492.9, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues from the Project Area at 45 years from said date certified by the County Auditor; and

WHEREAS, Health and Safety Code Section 33333.2(c) authorizes the legislative body by ordinance to amend a redevelopment plan adopted after January 1, 1994, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year if the agency was required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.9 during fiscal year 2003-04; and

WHEREAS, the Agency was required to make a payment to the ERAF during fiscal year 2003-04; and

WHEREAS, the Agency wishes to amend the Redevelopment Plan to extend the time limits by one year for the fiscal year 2003-04 ERAF payment; and

WHEREAS, this action is not subject to the California Environmental Quality Act of 1970 ("CEQA") because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment; now, therefore

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

SECTION 1. The last paragraph of Section 502 of the Redevelopment Plan for the Oak Knoll Redevelopment Project is hereby amended to read as follows (deletions are indicated with strikeout text, and additions with double underlining):

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond ~~forty-five (45)~~ forty-six (46) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

SECTION 2. Section 800 of the Redevelopment Plan for the Oak Knoll Redevelopment Project is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for ~~thirty (30)~~ thirty-one (31) years from the date certified by the County Auditor ~~certifies~~ pursuant to Section 33492.9 of the Community Redevelopment Law (i.e. the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law); provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

SECTION 3. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 4. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

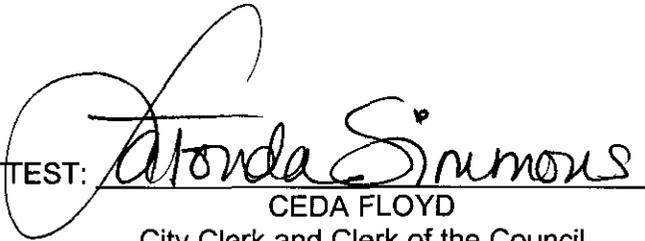
SECTION 5. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

DEC 21 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE - 8
NOES-	<u>0</u>
ABSENT-	<u>0</u>
ABSTENTION-	<u>0</u>

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: **DEC 07 2004**



**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE
OAK KNOLL REDEVELOPMENT PLAN TO EXTEND THE TIME
LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX
INCREMENT REVENUE BY ONE YEAR**

NOTICE AND DIGEST

This ordinance amends the Oak Knoll Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33333.2(c), by one year.