

FILED
OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY
2004 JUN 10 PM 4:45
DEPUTY CITY CLERK

OAKLAND CITY COUNCIL
12616
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE AMENDING THE ACORN URBAN RENEWAL
PLAN TO EXTEND THE TIME LIMITS ON PLAN
EFFECTIVENESS AND RECEIPT OF TAX INCREMENT
REVENUE BY ONE YEAR**

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

WHEREAS, on December 20, 1994, the Council adopted Ordinance No. 11760 C.M.S., which, among other things, established a time limit of January 1, 2009, on the effectiveness of the Redevelopment Plan and a time limit of January 1, 2019, on the Agency’s ability to pay indebtedness and receive tax increment revenues; and

WHEREAS, these time limits were required for redevelopment plans adopted on or before December 31, 1993, under current Health and Safety Code Sections 33333.6(a) and (b); and

WHEREAS, Health and Safety Code Section 33333.6(e)(2)(C) authorizes the legislative body by ordinance to amend a redevelopment plan 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 Acorn Urban Renewal Plan to extend the time limits; 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 Acorn Urban Renewal Plan is hereby amended to provide that the provisions of the Plan shall be effective, and the provisions of other documents formulated pursuant to the Plan

may be made effective, until January 1, 2010, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may be otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

SECTION 2. The Acorn Urban Renewal Plan is hereby further amended to provide that the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after January 1, 2020, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

SECTION 3. The City Manager or his 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2004, 20__

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID , WAN, AND PRESIDENT DE LA FUENTE -7
NOES-	<u>Ø</u>
ABSENT-	<u>REID -1</u>
ABSTENTION-	<u>Ø</u>

Introduction Date:

JUL 6 2004

ATTEST



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



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NOTICE AND DIGEST

This ordinance amends the Acorn Renewal 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 by one year, as authorized under Health and Safety Code Section 33333.6(e)(2)(C).