

REVISED October 5, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. 13041 C.M.S.

**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO
THE WEST OAKLAND REDEVELOPMENT PLAN TO MODIFY
THE AUTHORITY OF THE AGENCY TO ACQUIRE
PROPERTY IN THE CLAWSON/MCCLYMONDS/BUNCHE
SUBAREA THROUGH EMINENT DOMAIN**

WHEREAS, the City Council adopted the Redevelopment Plan for the West Oakland Redevelopment Project (the "Redevelopment Plan") on November 18, 2003, as a redevelopment plan for the West Oakland Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, the Redevelopment Plan includes authority for the Redevelopment Agency to acquire property through eminent domain in the Clawson/McClymonds/Bunche Subarea of the Project Area; and

WHEREAS, the City wishes to amend the Redevelopment Plan; and

WHEREAS, the Redevelopment Agency has recommended adoption of a First Amendment to the West Oakland Redevelopment Plan (the "First Amendment" or the "Amendment") to modify the Agency's authority to acquire properties in the Clawson/McClymonds/Bunche Subarea through eminent domain; and

WHEREAS, the proposed Amendment revises the three acre size limitation for projects eligible for the use of eminent domain; and

WHEREAS, the proposed Amendment also revises the map of properties eligible for eminent domain to add additional commercial parcels to the current areas, including all commercial properties on the blocks bounded by Grand Avenue, Filbert Street, 24th Street and Market Street; and

WHEREAS, the proposed Amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this Amendment as required by Health and Safety Code Section 33452; and

WHEREAS, the Redevelopment Agency and the City Council held a joint public hearing on the proposed Amendment, as permitted under Health and Safety Code Section 33458; and

WHEREAS, it can be seen with certainty that this proposed Amendment will have no environmental effect, pursuant Section 15063(b) (3) of the California Environmental Quality Act Guidelines, since it merely modifies the authority of the Redevelopment Agency to acquire property through eminent domain; now, therefore,

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

SECTION 1. Section 305.b.(3) of the Redevelopment Plan for the West Oakland Redevelopment Project is hereby amended to read in its entirety as follows (text additions are indicated with double underlining, and text deletions are indicated by ~~strikeout text~~):

- (3) The property to be acquired through eminent domain for the redevelopment project does not exceed ~~three~~ one 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 property to be acquired through eminent domain for all phases of the project.

SECTION 2. The map attached as Attachment No. 3 to the Redevelopment Plan for the West Oakland Redevelopment Project is hereby replaced with the map attached to this Ordinance as Attachment A.

SECTION 3. The City Council finds that it is necessary and desirable to amend the Redevelopment Plan for the reasons set forth herein and in the staff report accompanying this Ordinance.

SECTION 4. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 5. 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 6. 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, OCT 19 2010, 2010

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, AND PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- 1 - Reid

ATTEST: *Latonda Simmons*
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date OCT 5 2010

Date of attestation
October 28, 2010

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ATTACHMENT A

(attached)

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NOTICE AND DIGEST

This ordinance amends the West Oakland Redevelopment Plan to modify the Redevelopment Agency's authority to acquire properties in the Clawson/McClymonds/Bunche Subarea of the West Oakland Project Area through eminent domain .



Attachment A Eminent Domain in the Clawson/McClymonds/Bunche Subarea and Designated Commercial Corridors for Eminent Domain Provisions

