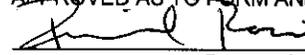


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DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12796 O.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, JUN 5 2007, 2007

PASSED BY THE FOLLOWING VOTE:

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

Introduction Date: MAY 15 2007

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.