

ORDINANCE NO. 01-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING AND ADOPTING AMENDMENT NO. #1 TO THE REDEVELOPMENT PLAN FOR THE RIDGECREST REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council of the City of Ridgecrest, California (the "City Council") did duly pass and adopt Ordinance No. 86-37 on November 16, 1986 (the "Previous Ordinance"), and did thereby adopt and approve the Redevelopment Plan for the Ridgecrest Redevelopment Project Area (the "Redevelopment Plan"); and

WHEREAS, the findings and determinations made by the City Council in the Previous Ordinance are final and conclusive, no action having been timely brought to question the validity of the Previous Ordinance; and

WHEREAS, the City Council has received from the Ridgecrest Redevelopment Agency (the "Agency") the proposed Amendment No. 1 (the "Plan Amendment" or "Amendment No. 1") to the Redevelopment Plan for the Ridgecrest Redevelopment Project Area (the "Project"), a copy of which is on file at the office of the City Clerk, 100 W. California Avenue, Ridgecrest, California, together with the Agency's Supplemental Report of the City Council (the "Supplemental Report") which includes the reasons for the proposed amendment and incorporates the Agency's Report to the City Council which was submitted to connection with the adoption of the Plan (the "Original Report"). The Original Report includes a description of the physical, social, and economic conditions existing in the Project area and the proposed method of financing the redevelopment of the Project area, and a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities in the Project area; and

WHEREAS, it has been determined, pursuant to an initial study, that the potential environmental effects of the proposed Plan Amendment are within the scope of the Ridgecrest Redevelopment Project Environmental Impact Report, certified by the Ridgecrest Redevelopment Agency in connection with the adoption of the Redevelopment Plan, and no additional environmental documents are therefore required, pursuant to Section 15180(b) of the State California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, a Project area Committee was not required to be formed in connection with Amendment No. 1 because; (a) a substantial number of low-income persons or moderate-income persons, or both, do not reside within the Project area, and (b) the Redevelopment Plan, as amended by Amendment No. 1 does not contain one or more projects that will displace a substantial number of low-income persons or moderate-income persons, or both; and

WHEREAS, the Planning Commission of the City of Ridgecrest has reviewed the Plan Amendment and has found that the Plan Amendment conforms to the General Plan; and

WHEREAS, the City Council and the Agency have held a joint public hearing on the proposed adoption of the Plan Amendment in Ridgecrest City Hall, 100 W. California Avenue, Ridgecrest, California; and

WHEREAS, notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Ridgecrest, once a week for three successive weeks prior to the date of said hearing, and a copy of said notice and affidavits of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were sent first-class mail to the last known address of each assessee as shown on the last equalized assessment rule of the County of Kern for each parcel of land in the Project area; and

WHEREAS, each assessee in the Project area whose property would be subject to acquisition by purchase or condemnation under the provisions of the Plan Amendment was sent a letter to such effect attached to the notice of the joint public hearing, including a map of the Project area; and

WHEREAS, copies of the notice of joint public hearing were sent first-class mail to the governing body of each taxing agency which receives taxes from property in the Project area; and

WHEREAS, the City Council has considered the report and recommendation of the Agency, the Plan Amendment and its economic feasibility, the Initial Study has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Plan Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. The purposes and intent of the City Council with respect to the Project area in connection with the Plan Amendment is to re-establish the Agency's power of eminent domain in the Project area for a period of twelve (12) years following the effective date of this Ordinance in order to allow the Agency to continue to undertake steps to eliminate blight and blighting conditions and achieve its goals and objectives within the Project area.

Section 2. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Supplemental Report and all documents referenced therein and evidence and testimony received at the joint public hearing that:

A. The Amended Plan will allow continued redevelopment to occur within the Project area in conformity with California Community Redevelopment Law and in the interests of public health, safety and welfare. This finding is based, in part, on the fact that the Amended Plan merely extends the Agency's power of eminent domain as allowed by, and in the manner required by, California Community Redevelopment Law, thus allowing the Agency to continue to pursue the elimination of blighting conditions which exist in the Project area in conformance with the implementation plan adopted for the Project area.

B. The carrying out of the Amended Plan will promote the public peace, health, safety, and welfare of the community and will effectuate the purposes and policies of the California Community Redevelopment Law. Evidence supporting this finding includes the fact that redevelopment will benefit the Project area by correcting conditions of blight, coordinating public and private actions to stimulate development and improve the economic and physical conditions within the Project area, and increasing employment opportunities within the City.

C. The Amended Plan re-establishes the Agency's ability to acquire property in the Project area by eminent domain. The condemnation of real property, to the extent provided in the Amended Plan, are necessary to the execution of the Amended Plan and adequate provisions have been made for payment of property to be acquired as provided by law. Evidence supporting this finding includes the need to assemble developable units for economic activity, to eliminate blighting conditions, and the fact that the Agency will comply with the provisions of all applicable laws regarding payments for property acquired by the Agency through eminent domain.

D. The Amended Plan conforms to the General Plan of the City of Ridgecrest including, but not limited to, the housing element of the General Plan, which substantially complies with the requirements of Article 10.6 (Commencing with Section 65580) of Chapter 3, Division 1 of Title 7 of the Government Code. This finding is based on the support of the Planning Commission that the Amended Plan conforms to the General Plan.

Section 3. Written objections to Amendment No. 1, if any, filed with the City Clerk before the hour set for the hearing and all written and oral objections presented to the City Council at the hearing having been considered and, in the case of written objections received from Project area property owners and affected taxing agencies, have been responded to in writing and are hereby overruled.

Section 4. That Amendment No. 1 to the Ridgecrest Redevelopment Project area, together with the previously adopted Redevelopment Plan is hereby designated, approved, and adopted as the official redevelopment plan for the Project, as amended by the Plan Amendment, together constituting the Amended Plan.

Section 5. That City Clerk is hereby authorized and directed to certify to the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation which is published and circulated in the City and to cause a notice concerning the Plan Amendment to be recorded to the extent necessary to comply with Section 27295 of the Government Code.

Section 6. If any part of this Ordinance or the Amended Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amended Plan, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Amended Plan if such invalid portion thereof had been deleted.

Section 7. This Ordinance shall be in full force and effect thirty (30) days after passage.

PASSED, APPROVED AND ADOPTED this 20th day of September, 2000 by the following vote:

AYES: Mayor Darnell, Council Member Holloway, Council Member Morgan,
Council Member Carter and Council Member Rollins

NOES:

ABSENT:

ABSTAIN:


Donna Darnell, Mayor

ATTEST


Rachel J. Rumbo
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF KERN) ss
CITY OF RIDGECREST)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, Rachel J. Rumbo, City of Ridgecrest, California do hereby certify that this is a true and correct copy of the original Ordinance No. 01-02, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF RIDGECREST, on this 23rd day of February, 2001.

[SEAL]



Rachel J. Rumbo
Deputy City Clerk

AMENDMENT NO. 1 TO THE
REDEVELOPMENT PLAN FOR THE
RIDGECREST REDEVELOPMENT PROJECT AREA

The fourth paragraph of Section 503 of the Redevelopment Plan for the Ridgecrest Redevelopment Project area is hereby amended to read as follows:

"Except as otherwise provided herein or otherwise provided by Law, no eminent domain proceeding to acquire property within the Project area shall be commenced after twelve years following the date of adoption of the Ordinance approving adopting this amendment to the Plan. Such time limitation may be extended only by amendment to this Plan."

**SUPPLEMENTAL REPORT
TO THE CITY COUNCIL**

**PROPOSED AMENDMENT NO. 1
TO THE REDEVELOPMENT PLAN
FOR THE RIDGECREST
REDEVELOPMENT PROJECT AREA**

Prepared by:

RIDGECREST REDEVELOPMENT AGENCY

May, 2000

**SUPPLEMENTAL REPORT OF THE RIDGECREST
REDEVELOPMENT AGENCY TO THE
CITY COUNCIL OF THE CITY OF RIDGECREST
REGARDING THE REDEVELOPMENT PLAN FOR THE
RIDGECREST REDEVELOPMENT PROJECT AREA**

I. INTRODUCTION

This Supplemental Report by the Ridgecrest Redevelopment Agency (the "Agency") has been prepared by the Agency for the purpose of making the appropriate report pursuant to California Health and Safety Code Sections 33352 and 33457.1. The Agency's Report to the City Council for the Redevelopment Plan for the Redevelopment Project Area, incorporated herein by reference, is available for review at the office of the City Clerk. The Redevelopment Plan was originally approved and adopted by Ordinance No. 86-37 on November 16, 1986. The proposed Amendment No. 1 (the "Amendment") to the Redevelopment Plan (the "Plan") for the Ridgecrest Redevelopment Project Area (the "Project") is authorized by the provisions of Sections 33450-333458 of the Health and Safety Code.

**II. REASONS FOR AMENDING THE REDEVELOPMENT PLAN FOR THE
RIDGECREST REDEVELOPMENT PROJECT AREA**

Section 33333.4(3) of the Health and Safety Code states that a redevelopment plan must contain "A time limit, not to exceed 12 years, for commencement of eminent domain proceedings to acquire property within the project area." Section 503 of the Redevelopment Plan states that "No eminent domain proceedings to acquire property within the project area shall be commanded after twelve (12) years following the date of adoption of the ordinance approving and adopting this Redevelopment Plan. Such time limitation may be extended only by amendment of this Redevelopment Plan."

The Agency's eminent domain authority, as that authority pertains to the Ridgecrest Redevelopment Project Area, expired in November, 1998. Many of the projects identified in the Plan that are necessary to carry out the effective redevelopment of the Project area have not been accomplished. For purposes of redeveloping the Project area, the Agency may need to acquire parcels of property within the Project area; however, the Agency has not identified specific parcels which it intends to acquire at this time. All Agency eminent domain proceedings will be undertaken pursuant to applicable state and local laws and will only be initiated when all other means of acquisition have been exhausted. The Agency is proposing to extend its eminent domain authority, as that authority pertains to the Project, for an additional twelve (12) years from the effective date of adoption of the ordinance by the Ridgecrest City Council approving and adopting the Amendment.

TIMELINE: Eminent Domain Extension

1. Complete Initial Survey re Negative Declaration.
2. Agency meets and authorizes submittal of Amendment and Supplemental Report to Planning Commission.
3. Planning Commission approves Amendment, makes finding that it conforms with General Plan and make finding of Negative Declaration.
4. Mail Notices of Public Hearing to all property owners in the Agency Project Area Boundary and to each taxing agency at least thirty (30) days prior to joint public hearing.
5. Publish Notice of Joint Public Hearing once a week for three successive weeks prior to hearing (beginning at least 21 days prior to hearing).
6. Submit Amendment, Ordinance and Supplemental Report to City Council and Agency hold Public Hearing at Joint Meeting of City Council and RDA.
7. City Council adopts Ordinance (require 1st and 2nd Reading with at least five days in between). No action required by Agency.