

ORDINANCE NUMBER 1223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBING THE PROGRAM FOR THE USE OF EMINENT DOMAIN WITHIN THE 1994 REDEVELOPMENT PROJECT AREA BY THE REDEVELOPMENT AGENCY OF THE CITY OF PERRIS

WHEREAS, the City Council of the City of Perris, California, (“City Council”) adopted Ordinance No. 982 on June 27, 1994, approving and adopting the Redevelopment plan for the 1994 Redevelopment Project (“Project Area”), amended by Ordinance No. 1171 on September 27, 2005 (collectively, the “Redevelopment Plan”);

WHEREAS, the Perris Redevelopment Agency (the “Agency”) has been designated as the official redevelopment agency in the City of Perris to carry out the functions and requirements of the Community Redevelopment Law of the State of California, constituting Health and Safety Code Section 33000, *et seq.*, (“CRL”), and to implement the Redevelopment Plan;

WHEREAS, Section 33342.7 of the California Health and Safety Code became effective on January 1, 2007;

WHEREAS, pursuant to Section 33342.7 of the California Health and Safety Code, the City Council is required to adopt an ordinance on or before July 1, 2007, describing the Agency’s program to acquire real property by eminent domain (the “Program”) for any redevelopment plan adopted before January 1, 2007;

WHEREAS, the Redevelopment Plan includes a Program whose power is to be used when necessary for the execution of the Redevelopment Plan and adequate provisions have been made for payment of property as provided by law;

WHEREAS, this Ordinance does not change the Program in the Redevelopment Plan as it currently exists and is implemented;

THE CITY COUNCIL OF THE CITY OF PERRIS DOES FIND AND ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 33342.7 of the Health and Safety Code, a description of the Agency’s Program is set forth in Exhibit “A”, attached hereto and incorporated herein by this reference. The Agency’s Program may be amended only by amending the Redevelopment Plan pursuant to Article 12 of the Community Redevelopment Law (commencing with Health and Safety Code Section 33450).

Section 2. 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 City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

ADOPTED, SIGNED and APPROVED this 12th day of June, 2007.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1223, introduced at a regular meeting of the City Council of the City of Perris held on the 29th day of May, 2007, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12th day of June, 2007, and that it was so adopted by the following called vote:

AYES: Motte, Yarbrough, Landers, Busch
NOES:
ABSENT: Rogers
ABSTAIN:

City Clerk, Judy L. Haughney

EXHIBIT “A”
(RESOLUTION NUMBER 1223)

1994 Redevelopment Project – Eminent Domain Program

The provisions of the Redevelopment Plan authorize the use of the power of eminent domain by the Agency to acquire any interest in real property in the Project Area. In eliminating and preventing such conditions of blight, the Agency proposes:

1. To eliminate existing blighted conditions, be they properties or structures, and the prevention of recurring blight in and about the Project Area;
2. To develop property within a coordinated land use pattern of residential, commercial, industrial, recreational, and public facilities in the Project Area consistent with the goals, policies, objectives, standards, guidelines, and requirements, as set forth in the City’s adopted General Plan and Zoning Code;
3. To develop public services and facilities, including, but not limited to, recreational, maintenance, and operational services and facilities as are necessary and required for the development of the Project Area;
4. To eliminate environmental deficiencies, including inadequate street improvements, inadequate utility systems, and inadequate public services; and mitigate freeway or highway impacts, including its circulation movement and its potential social, physical and environmental characteristics of blight;
5. To develop a more efficient and effective circulation corridor system, free from hazardous vehicular, pedestrian and bicycle interfaces, designed to their ultimate circulation flow;
6. To implement techniques to mitigate blight characteristics resulting from exposure to freeway, highway, and/or public right-of-way corridor activity which affect adjacent properties within the Project Area;
7. Beautification activities to eliminate all forms of blight, including, but not limited to, visual blight in order to encourage community identity;
8. To encourage promote and assist the development and expansion of local commerce and needed commercial and industrial facilities, increasing local employment prosperity, and improving the economic climate within the Project Area, particularly in the Central Business District, and within industrial and commercial areas and the various other isolated vacant and/or underdeveloped properties within the Project Area;
9. To acquire, assemble, and/or dispose of sites of usable and marketable sizes and shapes for commercial, industrial, recreational, and public facility development within the Project Area;

10. To create a more cohesive and unified Perris community by strengthening the physical, social, and economic ties between residential, commercial, industrial, recreation, and public land uses within and about the Project Area;
11. To acquire and dispose of property for the purpose of providing relation housing, as may be required to implement the objectives of this Plan;
12. To provide very-low-, low-, and moderate-income housing availability as required by State law and requirements, as necessary and desirable, consistent with goals and objectives of the community;
13. To encourage the coordination, cooperation, and assistance of other local agencies, as may be deemed necessary, to ensure that projects undertaken by this Agency are implemented to their fullest and practical extent;
14. To achieve a physical environment reflecting the high level of concern of architectural and urban design principles deemed important by the Perris community;
15. To encourage community involvement and citizen participation in the adoption of policies, programs, and projects so as to ensure that the Redevelopment Plan is implemented in accordance with the goals and objectives of the Perris General Plan;
16. To provide a procedural and financial mechanism by which the Agency can assist, complement, and coordinate public and private development, redevelopment, revitalization, and enhancement of the Perris community;
17. To implement the land uses and concepts of the General Plan, and the Zoning Ordinances as may be amended from time to time;
18. To eliminate blighting influences, including deteriorating buildings, incompatible and uneconomic land uses, obsolete structures, and other environmental, economic and social deficiencies; improve the overall appearance of existing buildings, streets, parking areas and other facilities, public and private, and assure that all buildings, new and old, are safe for persons and businesses to occupy;
19. To encourage the cooperation and participation of residents, business persons, public agencies and community organizations in revitalizing the area;
20. To encourage private sector investment in the redevelopment of the area;
21. To promote the economic well being of the area by encouraging diversification of its commercial base;
22. To provide adequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment;
23. To implement the construction or reconstruction of adequate streets and transportation facilities, curbs, gutters, street lights, storm drains, and other improvements as necessary to correct existing deficiencies;

24. To provide relocation assistance and benefits to area businesses and residences which may be displaced, in accordance with the provisions of Redevelopment Law and the Government Code of the State of California; and
25. To provide housing inside and outside the Project Area as required to satisfy the needs and desires of various age, income, and ethnic groups of the community, maximizing opportunity for individual choice.

The use of the power of eminent domain is limited by the CRL and by Section 421 of the Redevelopment Plan. The applicable limitations are as follows:

1. The Agency shall comply with all applicable laws in acquiring real property by eminent domain.
2. The Agency is not authorized to use the power of eminent domain to acquire any owner-occupied residential property located in any residential areas as shown on the City's General Plan and the Redevelopment Plan Map.
3. The Agency is not authorized to commence any eminent domain proceedings to acquire any real property because the Agency's authority to acquire any real property by eminent domain has expired and has not been extended pursuant to the CRL and the amendment provisions of the Redevelopment Plan.
4. The Agency may acquire real property if a determination is made that one or more of the following conditions exists:
 - a. The buildings and/or structures must be removed in order to assemble land into parcels of reasonable size and shape to eliminate that impediment to optimal land development;
 - b. The buildings and/or structures are substandard as determined by the Building Department of the City of Perris after inspection;
 - c. The buildings and/or structures must be removed in order to eliminate an environmental deficiency, including but not limited to, incompatible land uses and small and irregular lot subdivisions;
 - d. The buildings and/or structures must be removed to provide land for needed public improvements, including among others, rights-of-way, public safety facilities, public recreational facilities, open space and other public utilities; or
 - e. The acquisition of the property is allowed by Redevelopment Law and will promote the implementation of the Redevelopment Plan.

5. The Agency is not authorized to use the power of eminent domain to acquire:
 - a. Any property owned by public bodies which do not consent to such acquisition; however, the Agency is authorized to acquire property devoted to a public use;
 - b. Any real property to be retained by an owner, either as a conforming owner or pursuant to a participation agreement, if the owner fully performs under the agreement; or
 - c. Any real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless: (i) such building requires structural alteration, improvement, modernization or rehabilitation; or (ii) the site or lot on which the building is situated requires modification in size, shape, or use; or (iii) it is necessary to impose upon such property any of the standards, restrictions, and controls of the Redevelopment Plan and the owner fails or refuses to participate in said Plan by executing a participation agreement;
 - d. Any property not needed for those specific activities outlined in the Redevelopment Plan;
 - e. Any property not needed to provide for or replace very-low-, low-, or moderate-income housing pursuant to specific provisions of this Redevelopment Plan;
 - f. Any property not needed for any other public improvement of facility;
 - g. Any property not needed to promote historical or architectural preservation;
 - h. Any property not needed to removed the blighting influences on surrounding properties which might prevent achievement of the objectives of this Redevelopment Plan, but rather, said property will develop in conformity with the objectives of this Redevelopment Plan through private initiative;
 - i. Any property not needed for the elimination of any environmental deficiency, including, among other things, inadequate street layout, incompatible and mixed land uses, overcrowding and small parcel size; or
 - j. Any property not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

6. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located.
7. The Agency is authorized to acquire any other interest in real property less than a fee interest.
8. The Agency is authorized to acquire property or interest from its members or officers only by commencing eminent domain proceedings.