

ORDINANCE NUMBER O- 19817 (NEW SERIES)

ADOPTED ON OCT 10 2005

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ELIMINATING THE TIME LIMIT FOR ESTABLISHING LOANS, ADVANCES OR INDEBTEDNESS TO CARRY OUT THE REDEVELOPMENT PLAN FOR THE MOUNT HOPE REDEVELOPMENT PROJECT AREA.

WHEREAS, on November 22, 1982, the Council of the City of San Diego, California [City Council], adopted Ordinance No. O-15862 (New Series), on file in the office of the City Clerk as Document No. O-15862, approving and adopting a Redevelopment Plan for the Mount Hope Redevelopment Project Area; and

WHEREAS, on November 28, 1994, the Council adopted Ordinance No. O-18127 (New Series) amending the Plan to establish time limits in conformance with section 33333.6 of the California Community Redevelopment Law [CRL] Health and Safety Code section 33000 et seq.; and

WHEREAS, on November 22, 1999, the Council adopted Ordinance No. O-18725 (New Series) amending the time limits in the Redevelopment Plan for the Mount Hope Redevelopment Project in accordance with Health and Safety Code section 33333.6 ; and

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out in the City of San Diego the functions and requirements of the CRL and to implement redevelopment plans for the City of San Diego [City]; and

WHEREAS, CRL section 33333.6(e)(2)(B) provides that on or after January 1, 2002, a redevelopment plan may be amended by a legislative body by adoption of an ordinance to

eliminate the time limit on the establishment of loans, advances, and indebtedness required by the section prior to January 1, 2002; and

WHEREAS, CRL section 33333.6(e)(2)(B) further provides that in adopting an ordinance eliminating the time limit on the establishment of loans, advances, and indebtedness, neither the legislative body nor the redevelopment agency is required to comply with CRL section 33354.6 or CRL Article 12 or any other provision of the CRL relating to the amendment of redevelopment plans, except the redevelopment agency shall make the payments to affected taxing entities required by CRL section 33607.7; and

WHEREAS, section 620.5 of the Mount Hope Redevelopment Plan provides that no loan, advance or indebtedness shall be established or incurred by the Agency to finance the Mount Hope Redevelopment Project after January 1, 2004, and the Agency has proposed that the Mount Hope Redevelopment Plan be amended for the purpose of eliminating that time limit as authorized by CRL section 33333.6(e)(2)(B); NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The Redevelopment Plan for the Mount Hope Redevelopment Project is hereby amended to eliminate the January 1, 2004, time limit for the Agency to establish or incur loans, advances or indebtedness to finance the Project. Specifically, section 620.5 of the Redevelopment Plan for the Mount Hope Redevelopment Project is hereby amended in its entirety to read as follows:

“There shall be no time limitation restricting the Agency’s ability to establish or incur loans, advances or indebtedness to finance the Redevelopment Project during which the Redevelopment Plan is

effective, provided, however, that the Agency may not repay indebtedness or receive tax increments after ten (10) years from the termination of the Redevelopment Plan established in Section 900.1, except to pay for the Agency's affordable housing or replacement housing obligations or for pre-existing debt, or as otherwise allowed by state law."

Section 2. In connection with the amendment to the Mount Hope Redevelopment Plan approved and adopted in this Ordinance, the Agency shall the payments to affected taxing entities required by CRL, section 33607.7.

Section 3. Ordinance No. O-15862 (New Series), as amended by Ordinance No. O-18127 (New Series) and Ordinance No. O-18725 (New Series) are continued in full force and effect except as amended by this Ordinance.

Section 4. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Mount Hope Redevelopment Plan as amended by this Ordinance.

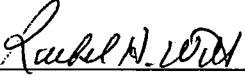
Section 5. CEQA. The amendment to the Mount Hope Redevelopment Plan approved and adopted in this Ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code section 21000 et seq.).

Section 6. Severability. 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 has been deleted.

Section 7. Effective Date. This Ordinance shall be in full force and will take effect thirty days from and after its passage.

Section 8. Publication. The City Clerk is hereby ordered and directed to cause this Ordinance to be published in the manner and time required by law.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Rachel H. Witt  
Chief Deputy City Attorney

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