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(O-2006-100) 4/4/06

ORDINANCE NUMBER O- 19478 (NEW SERIES)

DATE OF FINAL PASSAGE APR 07 2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE HORTON PLAZA REDEVELOPMENT PROJECT AREA EXTENDING THE PLAN EFFECTIVENESS DEADLINE, REPAYMENT OF INDEBTEDNESS DEADLINE AND TAX INCREMENT RECEIPT DEADLINE.

WHEREAS, pursuant to Ordinance Number 10882-N.S. adopted on August 25, 1972, the City Council of the City of San Diego [City] adopted a redevelopment plan for the Horton Plaza Redevelopment Project Area [Redevelopment Plan]; and

WHEREAS, the Redevelopment Plan for the Horton Plaza Redevelopment Project Area was subsequently modified by Ordinance Number 16775-N.S. adopted on December 8, 1986; by Ordinance Number O-18124 adopted on November 28, 1994; and, by Ordinance Number O-18723 adopted on November 22, 1999; and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*), the San Diego Redevelopment Agency [Agency] is engaged in activities necessary to execute and implement the Redevelopment Plan for the Horton Plaza Redevelopment Project Area; and

WHEREAS, California Health and Safety Code Section 33333.6 applies to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, the Redevelopment Plan for the Horton Plaza Redevelopment Project Area was adopted on or before December 31, 1993; and

WHEREAS, pursuant to California Health and Safety Code Section 33333.6(a), the Redevelopment Plan contains a time limit for effectiveness of the Redevelopment Plan for the Horton Plaza Redevelopment Project Area; and

WHEREAS, pursuant to California Health and Safety Code Section 33333.6(b), the Redevelopment Plan contains a time limit for the payment of indebtedness and receipt of property taxes for the Horton Plaza Redevelopment Project Area; and

WHEREAS, the California State Legislature has enacted SB 1045, making various amendments to the California Community Redevelopment Law (California Health and Safety Code Sections 33000 *et seq.*), which was chaptered as Chapter 260 and became effective on September 2, 2003; and

WHEREAS, Health and Safety Code Section 33333.6(e)(2)(C), as amended by SB 1045, provides that when an agency is required to make a payment pursuant to California Health and Safety Code Section 33681.9, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) of California Health and Safety Code Section 33333.6 by one year by adoption of an ordinance, without the necessity of compliance with California Health and Safety Code Section 33354.6 or Article 12 of the Community Redevelopment Law (commencing with Section 33450) or any other provision relating to amendments, including, but not limited to, the requirement to make payments to affected taxing entities required by California Health and Safety Code Section 33607.7; and

WHEREAS, the Agency was required to make a payment pursuant to California Health and Safety Code Section 33681.9; and

WHEREAS, the Agency and the City Council of the City of San Diego desire to extend by one year the time limit on the effectiveness of the Redevelopment Plan for the Horton Plaza Redevelopment Project Area and the time limit for paying indebtedness and receiving property taxes for the Horton Plaza Redevelopment Project Area; NOW, THEREFORE,

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

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. Amendment of Time Limits. In accordance with California Health and Safety Code Section 33333.6(e)(2)(C), and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Horton Plaza Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishes the following limitations:

A. Plan Effectiveness. The term of plan effectiveness for the Horton Plaza Redevelopment Project Area shall expire on August 25, 2013.

B. Repayment of Indebtedness; Receipt of Property Taxes.

Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Horton Plaza Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the original Redevelopment Plan for the Horton Plaza Redevelopment Project Area, or August 25, 2023.

Section 3. Application. The limitations established by this Ordinance may only be amended in the manner required and to the extent permitted by law.

Section 4. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of San Diego.

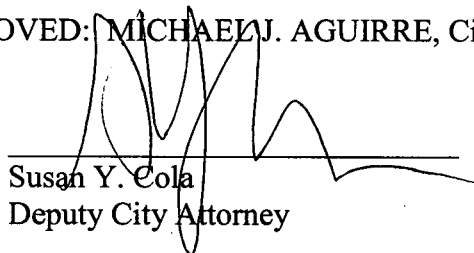
Section 5. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance,

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

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after the second reading.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

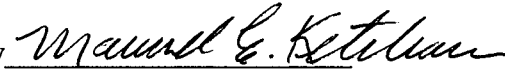


Susan Y. Cola
Deputy City Attorney

SYC:mm
02/21/06
Dept: CCDC
O-2006-100
MMS#3065

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~APR 04 2006~~.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 4-07-06
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor