

7/11/06

ORDINANCE NUMBER O- 19510 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 18 2006

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

WHEREAS, pursuant to Ordinance Number 17769-N.S. adopted on May 11, 1992, the City Council of the City of San Diego [City] adopted a redevelopment plan for the City Heights Redevelopment Project Area [Redevelopment Plan]; and

WHEREAS, the Redevelopment Plan for the City Heights Redevelopment Project Area was subsequently modified by Ordinance Number 18120-N.S. adopted on November 28, 1994; by Ordinance Number 18294-N.S on April 16, 1996; by Ordinance Number 18881-N.S. adopted on November 14, 2000; 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 City Heights 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 City Heights 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 City Heights 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 City Heights 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 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 City Heights

Redevelopment Project Area and the time limit for paying indebtedness and receiving property taxes for the City Heights Redevelopment Project Area; NOW, THEREFORE,

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

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

Section 2. That 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 City Heights 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 City Heights Redevelopment Project Area shall expire on May 11, 2033.
- 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 City Heights Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the City Heights Redevelopment Project Area, or May 11, 2043.

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

Section 4. That 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. That 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. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Bruce Bartram  
Bruce Bartram  
Deputy City Attorney

BB:mm  
05/23/06  
Dept: CCDC  
O-2006-138  
MMS#3321  
Companion: RA-2006-135

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 11 2006.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 7-18-06  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor