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(O-2008-41)
(COR.COPY) 1930
11/13

ORDINANCE NUMBER O- 19680 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 20 2007

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

WHEREAS, on November 17, 1976, the Council of the City of San Diego, California [City Council] adopted Ordinance No. O-11950 (New Series), on file in the office of the City Clerk as Document No. O-11950, approving and adopting a Redevelopment Plan for the Gateway Center West Redevelopment Project Area; and

WHEREAS, on February 27, 1984, the City Council amended O-11950 (New Series) and adopted ordinance No. O-16172; and

WHEREAS, on January 20, 1995, the City Council adopted Ordinance No. O-18123 (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, 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, 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 Gateway Center West 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 Gateway Center West 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 Gateway Center West Redevelopment Project Area; and

WHEREAS, the California State Legislature has enacted SB 1045, making various amendments to the CRL, California Health and Safety Code Section 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 SB1045, 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 3; and

WHEREAS, the Agency was required to make a payment to the Educational Revenue Augmentation Fund (ERAF) pursuant to California Health and Safety Code Section 33681.9; and 3607.7; and

WHEREAS, the Health and Safety Code Section 33333.6(e)(2)(D)(i)(ii), as amended by SB 1096, when an agency is required pursuant to Section 33681.12 to make a payment to the

county auditor for deposit in the county's Educational Revenue Augmentation Fund (ERAF), the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) for one year for each in which a payment is made if both of the following apply: the time line for the effectiveness of the redevelopment plan established pursuant to subdivision (a) is more than 10 years but less than 20 years from the last day of the fiscal year in which a payment is made and the agency is in compliance with Section 33334.2 or 33334.6, as applicable, has adopted an implementation plan in accordance with the requirements of Section 33490, is in compliance with subdivisions (a) and (b) of Section 33413, and is not subject sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus; and

WHEREAS, the Agency was required to make a payment to the ERAF pursuant to Section 33681.12.; and

WHEREAS, the Agency and the Council of the City of San Diego desire to extend by three years the time limit on the effectiveness of the Redevelopment Plan for the Gateway Center West Redevelopment Project Area and receiving property taxes for the Gateway Center West 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 Section 33333.6(e)(2)(D) (i) (ii) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the

Gateway Center West 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 Gateway Center West Redevelopment Project Area shall expire on November 17, 2019
- 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 Gateway Center West Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Gateway Center West Redevelopment Project Area or November 17, 2029.

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

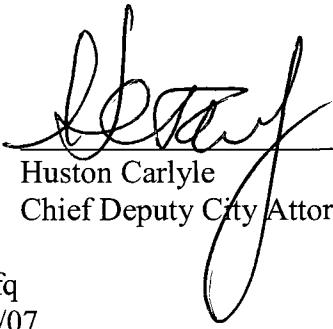
Section 4. That the City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of San Diego.

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 final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Huston Carlyle
Chief Deputy City Attorney

HC:cfq
10/08/07
10/25/07 COR.COPY
Or.Dept:SEDC
O-2008-41
R.A.:Companion RA-2008-36
MMS#5420

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 13 2007.

ELIZABETH S. MALAND,
City Clerk

By 
Deputy City Clerk

Approved: 11-20-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor