

MEETING DATE: May 14, 2007

AGENDA ITEM: Introduction of an Ordinance Pursuant to Section 33342.7 of the California Health and Safety Code, Pertaining to the Culver City Redevelopment Agency's Existing Program to Acquire Property by Eminent Domain.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1-5

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1 WHEREAS, the redevelopment plan for Project Area No. 3 was amended by
2 the City Council pursuant to Ordinance Number 94-036 (adopted on December 27, 1994);
3 and

4 WHEREAS, Project Area No. 1, Project Area No. 2, and Project Area No. 3
5 were merged into the Culver City Redevelopment Project Area (as Component Area Nos.
6 1, 2, and 3, respectively), and the Redevelopment Plan for Culver City Redevelopment
7 Project (the "Plan") was adopted, pursuant to Ordinance No. 98-014 (adopted on
8 November 23, 1998); and

9
10 WHEREAS, pursuant to Ordinance No. 98-015, adopted on November 23,
11 1998, the City Council added Component Area No. 4 to the Culver City Redevelopment
12 Project Area; and

13 WHEREAS, the Plan was amended by the City Council pursuant to
14 Ordinance Number 2004-001 (adopted on January 12, 2004); and

15 WHEREAS, in accordance with California Health and Safety Code section
16 33342.7(a), which went into effect on January 1, 2007, a legislative body that adopted a
17 final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before
18 July 1, 2007, that contains a description of the redevelopment agency's ("Agency's")
19 program to acquire real property by eminent domain ("Program"); and

20
21 WHEREAS, the Plan contains a description of the Agency's Program that is
22 applicable to Component Area Nos. 1, 2, 3, and 4.

23
24 The City Council of the City of Culver City, California, DOES HEREBY
25 ORDAIN as follows:

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

3 SECTION 2. The Agency's Program, which is set forth in the Plan under
4 Section 303 of Component Area Nos. 1, 2, and 3 and Section 321 of Component Area No.
5 4, is as follows:

6 Except as specifically exempted herein, the Agency may acquire but is not
7 required to acquire, all real property located in the Project area, by gift, devise, exchange,
8 purchase, eminent domain, or any other lawful method. The Agency shall not have
9 authority to acquire, by eminent domain, property on which any persons lawfully reside.
10 For Component Area Nos. 1, 2, and 3, eminent domain proceedings, if used, must be
11 commenced within twelve (12) years from the effective date of City Ordinance No. 98-014
12 (December 23, 1998).
13

14 For Component Area No. 4, eminent domain proceedings, if used, must be
15 commenced within twelve (12) years from the effective date of City Ordinance No. 98-015
16 (December 23, 1998).
17

18 Section 321 of the Plan, pertaining to Component Area No. 4, specifically
19 provides that properties that may not be acquired by eminent domain include the
20 following:

- 21 a) Real Property on which any persons lawfully reside.
- 22 b) Real Property owned by public bodies which do not consent to such
23 acquisition. The Agency is authorized, however, to acquire Real Property
24 devoted to public use; or,
- 25 c) Real Property on which an existing building is to be continued on its
26 present site and in its present form and use without the consent of the owner
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1 unless: (i) the building requires structural alterations, improvements,
2 modernization or rehabilitation; (ii) the site or lot on which the building is
3 situated requires modification in size, shape or use; or (iii) it is necessary to
4 impose upon such Real Property any of the standards, restrictions or
5 controls of this Plan, and the owner fails or refuses to participate in this
6 Project by executing an owner participation agreement.

7 It is in the public interest and is necessary in order to eliminate the
8 conditions requiring redevelopment and in order to execute the Plan, for the power of
9 eminent domain to be employed by the Agency to acquire real property in the Project
10 area.
11

12 SECTION 3 If any section, subsection, subdivision, paragraph, sentence,
13 clause or phrase in this Ordinance or any part thereof is for any reason held to be
14 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
15 decision shall not affect the validity or effectiveness of the remaining portions of this
16 Ordinance or any part thereof. The City Council hereby declares that it would have
17 passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
18 thereof irrespective of the fact that any one (1) or more subsections, subdivisions,
19 paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or
20 ineffective.
21

22 SECTION 4. The City Council hereby authorizes and directs the City
23 Manager to undertake such actions and execute such documents as may be reasonably
24 necessary or convenient to the carrying out and administration of the actions authorized
25 by this Ordinance.
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1 SECTION 5 This Ordinance shall take effect thirty (30) days from the date
2 of its adoption and, as required by Section 619 of the City Charter, prior to the expiration
3 of fifteen (15) days from the adoption hereof the City Clerk shall cause this Ordinance to
4 be published in The Culver City News. Additionally, the City Clerk shall post this
5 Ordinance or a summary thereof in at least three public places within the City pursuant to
6 Section 517 of the City Charter.

7 APPROVED and ADOPTED this _____ day of _____, 2007
8
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10 _____
11 _____, Mayor
12 City of Culver City, California

13 ATTEST:

APPROVED AS TO FORM:

14
15 _____
16 CHRISTOPHER ARMENTA,
City Clerk

A07-00309

15 _____
16 CAROL A. SCHWAB,
City Attorney