

ORDINANCE NO. 405

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, TERMINATING DEVELOPMENT AGREEMENT NO. 1998-05 BETWEEN THE CITY OF MOORPARK AND THE SOUTHERN CALIFORNIA EDISON COMPANY, ADOPTED BY ORDINANCE NO. 250 AND RECORDED WITH THE COUNTY RECORDER UNDER THE ASSIGNED DOCUMENT NUMBER 99-043265

WHEREAS, on December 16, 1998, the City Council adopted Ordinance No. 250, adopting Development Agreement No. 1998-04 between the City of Moorpark and A-B Properties for approximately 34.53 acres located 1,300 feet west of Gabbert Road and north of the Union Pacific railroad right-of-way, and Development Agreement No. 1998-05 between the City of Moorpark and the Southern California Edison Company (SCE) for 8.79 acres, located 1,300 feet west of Gabbert Road, immediately north of the Union Pacific railroad right-of-way, and immediately south of the 34.53-acre A-B Properties site identified above; and

WHEREAS, on March 5, 1999, Development Agreement No. 1998-05 was recorded with the County Recorder with the assigned document number 99-043265; and

WHEREAS, on September 14, 2010, the City of Moorpark entered into a Settlement Agreement and Mutual Release with the Sothern California Edison Company in which the City agreed to schedule hearings with a staff recommendation for approval of termination of Development Agreement No. 1998-05; and

WHEREAS, Section 15 of Development Agreement No. 1998-05 calls for termination by mutual consent to be in accordance with Ordinance No. 59 or its successor; and

WHEREAS, Ordinance No. 59, codified as Chapter 15.40 of the Municipal Code, calls for the process for termination of a development agreement by mutual consent to be by recommendation of the Planning Commission and action by City Council after holding public hearings on the matter; and

WHEREAS, on February 16, 2011, the City Council adopted Resolution No. 2011-3002, directing the Planning Commission to study, hold a public hearing, and provide a recommendation for terminating Development Agreement No. 1998-05; and

WHEREAS, on May 24, 2011, the Planning Commission adopted Resolution No. PC-2011-565, recommending termination of Development Agreement No. 1998-05 between the City of Moorpark and SCE; and

WHEREAS, at its meeting of July 6, 2011, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; and reached a decision on this matter; and

WHEREAS, Development Agreement No. 1998-04 between the City of Moorpark and A-B Properties remains unaffected by this decision and that portion of Ordinance No. 250 remains in effect; and

WHEREAS, the City Council concurs with the Community Development Director's determination as outlined in the July 6, 2011 staff report that this qualifies for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby terminates Development Agreement No. 1998-05, as contained within Ordinance No. 250 and as recorded by the County Recorder with the assigned document number 99-043265, between the City of Moorpark and Southern California Edison (SCE).

SECTION 2. This Ordinance shall be recorded with the Ventura County Recorder, to document the termination of the Development Agreement between the City of Moorpark and the Southern California Edison Company (1998-05) as previously recorded in the County of Ventura on March 5, 1999 and assigned recorder's document number 99-043265.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 20th day of July, 2011.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk