ITEM 11. A.

ORDINANCE NO. 351

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, CONTAINING A DESCRIPTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN THE MOORPARK REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council of the City of Moorpark, California ("City Council") adopted Ordinance No. 110 on June 7, 1989, approving and adopting the Redevelopment Plan for the Moorpark Redevelopment Project Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Agency of the City of Moorpark ("Agency") has been designated as the official redevelopment agency in the City of Moorpark to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, the City Council adopted Ordinance No. 111 on July 5, 1989, restricting the Agency's authority to utilize eminent domain; and

WHEREAS, Section 403 of the Redevelopment Plan contains the Agency's authority to acquire property by eminent domain; and

WHEREAS, Section 33342.7 of the Health and Safety Code, which was added by Senate Bill 53 ("SB 53"), which took effect on January 1, 2007, requires a legislative body that adopted a redevelopment plan containing eminent domain authority before January 1, 2007, to adopt an ordinance on or before July 1, 2007, containing a description of the agency's program to acquire real property by eminent domain.

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

SECTION 1. Pursuant to Section 33342.7 of the Health and Safety Code, a description of the Agency's program to acquire real property by eminent domain is set forth in Exhibit A, attached hereto and incorporated herein by this reference. The Agency's program to acquire real property by eminent domain may be amended only by amending the Redevelopment Plan pursuant to Article 12 of the Community Redevelopment Law (commencing with Health and Safety Code Section (33450).

SECTION 2. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

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, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star, a newspaper of general circulation, as defined in Section 6008 of the Government Code for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 20th day of June, 2007.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

Exhibit A Agency's program to acquire real property by eminent domain

EXHIBIT A

THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK'S PROGRAM AND PROCESS TO ACQUIRE REAL PROPERTY IN THE MOORPARK PROJECT AREA BY USE OF EMINENT DOMAIN

On July 5, 1989, the City Council adopted Ordinance 110 that was not to become effective unless and until approved by a majority of the voters. Ordinance No. 111 applied restrictions on the Agency's power of eminent domain authority within the Project Area.

On July 19, 1989, the City Council, by its Resolution No. 89-588, called for a special election to be held for the purpose of submitting Amendment No. 1 to the electorate for approval. A Special Municipal Election was held and conducted in the City on November 7, 1989, whereby the electorate approved the adoption of Ordinance No. 111, which was subsequently made effective by the City Council on December 6, 1989, by its Resolution No. 89-623. As amended, the Plan excluded all property zoned residential and all property zoned commercial or industrial that had a residential structure on it which was owner occupied at the time the Plan was first adopted from the Agency's eminent domain authority.

The Plan authorized the Agency to use eminent domain to acquire real property for a period of twelve years, which expired on July 4, 2001. Since July 4, 2001, the program and process to acquire property in the Plan does not authorize the Agency to use eminent domain.

In the event the City Council approves and adopts an amendment changing the Plan to authorize the Agency to use eminent domain to acquire real property for an additional twelve year period, the program and process for the use of eminent domain by the Agency would follow all of the requirements of the CCRL.