

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: JULY 30, 2007

FROM: CITY ATTORNEY

SUBJECT: AN UNCODIFIED ORDINANCE DESCRIBING THE PASADENA COMMUNITY DEVELOPMENT COMMISSION'S PROGRAM PERTAINING TO THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN

TITLE OF PROPOSED ORDINANCE

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA, DESCRIBING THE PASADENA REDEVELOPMENT AGENCY'S PROGRAM PERTAINING TO THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN.

PURPOSE OF ORDINANCE

As of January 1, 2007, State law requires a city that adopted a redevelopment plan prior to January 1, 2007, to adopt an ordinance describing the city's program to acquire property by eminent domain. Therefore, even though the Pasadena Community Development Commission's power to acquire property through eminent domain has already expired, the City is still required to adopt this ordinance stating just that.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

Adoption of this Ordinance will not affect the Pasadena Community Development Commission's authority to acquire property by eminent domain in any way, it is simply required by State law.

FISCAL IMPACT

There will not be a fiscal impact as a result of the adoption of this ordinance.

MEETING OF 07/30/2007

AGENDA ITEM NO. 9.A.1.

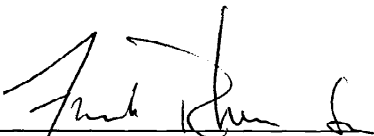
ENVIRONMENTAL

The City's environmental compliance officer has determined this ordinance to be exempt.

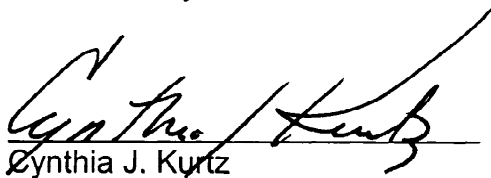
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Brad L. Fuller
Assistant City Attorney

Concurred by:


Cynthia J. Kurtz
City Manager

ORDINANCE NO. _____

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PASADENA, CALIFORNIA, DESCRIBING THE
PASADENA REDEVELOPMENT AGENCY'S PROGRAM
PERTAINING TO THE ACQUISITION OF REAL PROPERTY BY
EMINENT DOMAIN**

WHEREAS, the Pasadena Community Development Commission ("Commission") is a redevelopment agency in the City of Pasadena, created pursuant to the California Community Redevelopment Law, California Health & Safety Code Section 33000 *et seq.* (the "Community Redevelopment Law"); and

WHEREAS, California Health & Safety Code Section 33342.7 (added by Senate Bill No. 53) became effective January 1, 2007, and requires any legislative body that adopted a final redevelopment plan before January 1, 2007, to adopt an ordinance describing the redevelopment agency's program to acquire real property by eminent domain; and

WHEREAS, the City Council, by ordinance, approved and adopted Redevelopment Plans for the Fair Oaks Avenue (Original Area), Downtown, Villa-Parke, Orange Grove, Lake-Washington, Old Pasadena, Fair Oaks Avenue (Added Area), Lincoln Avenue, and Halstead-Sycamore (the "Project Areas") before January 1, 2007; and

WHEREAS, the Commission's authority to acquire real property by eminent domain has expired in all Redevelopment Project Areas, and no longer exists today; and

WHEREAS, the Commission has no authority to acquire real property by eminent domain in the Project Areas; and

WHEREAS, the Commission presently has no program to acquire real property by eminent domain because the Commission has no authority to acquire real property by eminent domain in the Project Area;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PASADENA ORDAIN AS FOLLOWS:

Section 1. The Commission's Eminent Domain Program. Without amending the Redevelopment Plan for the Project Area, the Commission does not have a program for the acquisition of real property by eminent domain because the Commission presently lacks authority to acquire real property by eminent domain.

Section 2. Amendment of the Redevelopment Plan. If and when the City Council adopts an ordinance amending the Redevelopment Plan to authorize the Commission to acquire any real property by eminent domain, any such amendment shall also describe the Commission's program to acquire property by eminent domain under the Redevelopment Plan, as amended, which program shall require that any acquisition of real property by eminent domain shall comply with all applicable law and regulations.

Section 3. California Health & Safety Code Section 33342.7. This Ordinance is adopted pursuant to California Health & Safety Code Section 33342.7 and no amendment of the Redevelopment Plan is effected by this Ordinance.

Section 4. California Environmental Quality Act. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. The City has determined that this Ordinance is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378. Specifically, this Ordinance is adopted in order to comply with the requirements of California Health & Safety Code Section 33342.7, and is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b)(5)) Therefore, because it is not a

“project,” this Ordinance is not subject to CEQA’s requirements. Further, even if this Ordinance were deemed a “project” and therefore subject to CEQA, the Ordinance would be covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. (Guidelines Section 15061 (b)(3)) As an organizational or administrative activity that does not effect any change in the Commission’s authority to exercise its powers of eminent domain and involves no exercise of such powers, the Ordinance does not have the potential to cause a significant effect on the environment and is therefore exempt under this general rule. Further, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus this Ordinance is not subject to CEQA. (Guidelines Section 15061(b)(3))

Section 5. Severability. If any part of this Ordinance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid or unconstitutional portion thereof had been deleted.

Section 6. Certification. The City Clerk shall certify to the passage of this Ordinance and is hereby directed to publish or post this Ordinance in accordance with law.

Section 7. Transmittal to Commission. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Commission.

Section 8. Filing Notice of Exemption. Staff is hereby directed to file a Notice of Exemption with the County Clerk within five days of the adoption of this Ordinance pursuant to Section 15062 of the Guidelines.

SIGNED AND APPROVED this _____ day of _____, 2007.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 2007 by the following vote:

AYES:

NOES:

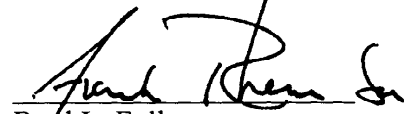
ABSTAIN:

ABSENT:

Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Brad L. Fuller
Assistant City Attorney