

DRAFT

ORDINANCE NO. 28044

**AN ORDINANCE OF THE CITY OF SAN JOSE
CONTAINING A DESCRIPTION OF THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN
JOSE'S PROGRAM TO ACQUIRE REAL PROPERTY BY
EMINENT DOMAIN IN ITS ADOPTED REDEVELOPMENT
PROJECT AREAS**

WHEREAS, the Council of the City of San Jose ("Council") adopted various ordinances approving and adopting the Redevelopment Plans for its Redevelopment Project Areas ("Redevelopment Plans"); and

WHEREAS, the Redevelopment Agency of the City of San Jose ("Agency") has been designated as the official redevelopment agency of the City of San Jose 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 Plans; and

WHEREAS, the Redevelopment Plans each contain a section on 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") and 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, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

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 Attachment 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. 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 this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

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Section 3. The City Clerk will certify to the passage of this Ordinance by the City Council and cause the same to be published once in the San Jose Post-Record, a newspaper of general circulation, and it will take effect thirty (30) days after its final passage.

PASSED FOR PUBLICATION of title this 15th day of May, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

ATTACHMENT A

EMINENT DOMAIN AUTHORITY OVER REAL PROPERTY

NO EMINENT DOMAIN AUTHORITY		
Eminent Domain Authority Expiration Date	Project Area	Authority
N/A	East Santa Clara Street	No authority
12/31/2003	Alum Rock Avenue	Authority has expired
12/02/2005	Japantown	Authority has expired
07/01/2006	Story Road	Authority has expired
12/13/2006	Monterey Corridor	Authority has expired

LIMITED EMINENT DOMAIN AUTHORITY		
Eminent Domain Authority Expiration Date	Project Area	Authority
06/24/2008	Almaden Gateway	Allowed – except for property containing residential uses
01/01/2009	San Antonio Plaza	Allowed – except for property on which any person resides
12/15/2010	Century Center	Allowed – except for property on which any person resides
12/15/2010	Edenvale	Allowed – except for property on which any person resides
12/15/2010	Guadalupe-Auzerais	Allowed – except for property on which any person resides
12/15/2010	Julian-Stockton	Allowed – except for property on which any person resides

12/15/2010	Market Gateway	Allowed – except for property on which any person resides
12/15/2010	Olinder	Allowed – except for property on which any person resides
12/15/2010	Pueblo Uno	Allowed – except for property on which any person resides
12/15/2010	Rincon de los Esteros (including expanded areas)	Allowed – except for property on which any person resides
12/31/2010	West San Carlos Street	Allowed – except for property on which any person resides Not allowed on unincorporated County land unless otherwise approved by County.
03/06/2013	Neighborhood Business Clusters	Allowed – except for property on which any person resides

06/25/2014	Strong Neighborhoods Initiative	<p>Allowed – except for single-family, owner-occupied, residential property <u>and</u> with the requirements set forth below, as adopted by the Board and Council and re-affirmed in the Five-Year Implementation Plan:</p> <p>At least 2/3 affirmative vote of the Agency Board to acquire any property.</p> <p>Single Family Residential may only be acquired if Agency Board previously approves a Disposition and Development Agreement for that property.</p> <p>30-day noticing prior to the Agency Board meeting at which a project (Disposition and Development Agreement or Owner Participation Agreement) is heard for that property.</p>
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UNLIMITED AUTHORITY		
Eminent Domain Authority Expiration Date	Project Area	Authority
06/24/2008	Park Center	Allowed
12/31/2010	Alameda	Allowed
06/15/2011	Civic Plaza	Allowed