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ORDINANCE NO. 98-82

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING
AND ADOPTING THE 1998 AMENDMENT "B" TO THE URBAN RENEWAL
PLAN FOR THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL
AREA PROJECT.

98-82

ORDINANCE B - COUNTY AREA EXCLUDED

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Ronquillo SECONDED BY Quintero

BILL NO. B-95
ORDINANCE NO. 98-82

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING AND ADOPTING THE 1998 AMENDMENT B TO
THE URBAN RENEWAL PLAN FOR THE SOUTHWEST
FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA
PROJECT

WHEREAS, the Council of the City of Fresno (the "Council") established the Southwest Fresno General Neighborhood Renewal Area Project (the "Project"), and approved and adopted the Urban Renewal Plan for the Project by Ordinance No. 69-13, on January 14, 1969, as amended by Ordinance Nos. 72-126, 83-32, 86-203 and 94-114 (the "Southwest Plan"); and

WHEREAS, the Council received from the Redevelopment Agency of the City of Fresno (the "Agency") a proposed 1998 Amendment to the Southwest Plan (the "Southwest Amendment"), a copy of which is on file at the offices of the City Clerk at 2600 Fresno Street, Fresno, California and the Agency at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the Council and the Agency are simultaneously considering the approval and adoption of a proposed 1998 Amendment (the "Fruit/Church Amendment") to the Redevelopment Plan for the Fruit/Church Project (the "Fruit/Church Plan"); and

WHEREAS, the Southwest Amendment and the Fruit/Church Amendment provide for the merger of the area included within the Southwest Plan (the "Southwest Project Area") with the area included within the Fruit/Church Plan (the

Adopted 10-20-98
Approved 11-16-98
Filed See Sect 16

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"Fruit/Church Project Area"), which collectively are hereinafter referred to as the
"Merged No. 2 Project Area;" and

WHEREAS, the purposes of the Southwest Amendment are to: 1) increase the limitations on the time for incurring debt, the time for repaying debt and the time for the effectiveness of the Southwest Plan, (2) increase the dollar limitation on the allocation of tax increments from the Southwest Project Area, (3) extend the time limit of the Agency's power of eminent domain, (4) merge the Southwest Project Area with the Fruit/Church Project Area, and (5) make certain other textual technical and clarifying changes to the Southwest Plan in connection with the hereinabove stated changes; and

WHEREAS, the Council has also received from the Agency the Report of the Agency to the Council, as supplemented by a Supplemental Report of the Agency to the Council, on the Southwest Amendment and the Fruit/Church Amendment (the "Agency's Report") in accordance with Section 33352 of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.); and

WHEREAS, the Council and Agency, as a co-lead agency, prepared and circulated a Draft Program Environmental Impact Report (the "Draft EIR") on the Merged No. 2 Project Area, which includes the Southwest Amendment, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq.), and environmental procedures adopted by the Agency and Council pursuant thereto,

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and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Program Environmental Impact Report No. 10125 (the "Final EIR") was prepared and the Final EIR was certified by the Council and the Agency; and

WHEREAS, the Agency and the Council have reviewed and considered the Final EIR and have each adopted a Statement of Findings, Facts, and Overriding Considerations applicable to the environmental impacts identified in the Final EIR; and

WHEREAS, the Planning Commission of the City of Fresno submitted to the Council its report and recommendation concerning the proposed Southwest Amendment and its certification that the Southwest Amendment conforms to the General Plan for the City of Fresno; and

WHEREAS, due to a portion of the existing Project Area being within the territorial jurisdiction of the County (the "County Area") and testimony given at the Planning Commission hearing regarding the County of Fresno's pending consideration of an ordinance to approve the Southwest Amendment, the Agency submitted to the Planning Commission a revision to the Southwest Amendment to delete the County Area from the Project Area (the "Southwest Amendment B"); and

WHEREAS, the Planning Commission of the City of Fresno submitted to the Council its report and recommendation concerning the proposed Southwest Amendment and Southwest Amendment B and its certification that each amendment conforms to the General Plan for the City of Fresno; and

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WHEREAS, the Housing and Community Development Commission has considered the proposed Southwest Amendment and Southwest Amendment B at a scheduled Public Hearing on October 14, 1998, and has recommended approval of the two amendments subject to two conditions which have been presented to and considered by Council; and

WHEREAS, the Agency has consulted with and obtained the advice of owners, residents and businesses, community organizations and others regarding the proposed Southwest Amendment and Southwest Amendment B, and property owners, residents and businesses, community organizations and others were given the opportunity to review the two amendments at informational meetings; and

WHEREAS, the Council and the Agency held joint and concurrent public hearings on the Southwest Amendment and Southwest Amendment B and the Fruit/Church Amendment in the Council Chambers, 2600 Fresno Street, Fresno, California, on October 20, 1998, to consider adoption of the Southwest Amendment and the Southwest Amendment B, the Fruit/Church Amendment and certification of the Final EIR; and

WHEREAS, a notice of said joint and concurrent public hearings was duly and regularly published in the Fresno Bee, a newspaper of general circulation in the City of Fresno, once a week for four successive weeks prior to the date of said hearings, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint and concurrent public hearings were

mailed by first-class mail to the last known address of each assessee of each parcel of land in the Southwest Project Area as shown on the last equalized assessment roll of the County of Fresno; and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to all residential and business occupants within the Southwest Project Area; and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Southwest Project Area; and

WHEREAS, the Council has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Southwest Amendment and the Southwest Amendment B; and

WHEREAS, due to the County Area within the existing Project Area testimony given at the joint public hearing regarding the County of Fresno's pending consideration of an ordinance to approve the Southwest Amendment, the Agency submitted and recommended to the Council the Southwest Amendment, subject to County action, and Southwest Amendment B to delete the County Area from the Project Area; and

WHEREAS, in accordance with Sections 33363.5 and 33455 of the Community Redevelopment Law, the Council considered the Southwest

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Amendment and Southwest Amendment B, including the Planning Commission's report and recommendation concerning the proposed amendments and its certification that the two amendments conform to the General Plan for the City of Fresno; and

WHEREAS, the Council has considered the Agency's Report, the Reports and Recommendations of the Planning Commission, the Report and Recommendation of the Housing and Community Development Commission, the Southwest Amendment and Southwest Amendment B and the Final EIR; and

WHEREAS, the Council has adopted written findings in response to each written objection to the Southwest Amendment and the Southwest Amendment B from an affected taxing entity or property owner within the Southwest Project Area; and

WHEREAS, hereinafter all references to the Southwest Project Area mean and include the area within the existing Southwest Plan, excluding the County Area; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies;

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The purposes and intent of the Council with respect to the Southwest Amendment and Southwest Amendment B are: (1) to eliminate the significant remaining blighting influences and environmental deficiencies within the

Southwest Project Area and the Merged No. 2 Project Area as a whole; and (2) to contribute to and complement the overall goals and objectives of the Southwest Plan and redevelopment of the Southwest Project Area and the Merged No. 2 Project Area as a whole.

SECTION 2. The Council hereby finds and determines that:

a. It is necessary and desirable to amend the Southwest Plan as set forth in the Southwest Amendment or the Southwest Amendment B in order to complete the redevelopment of the Southwest Project Area and make possible the full achievement of the goals and objectives of the Southwest Plan, as revised by the Southwest Amendment or Southwest Amendment B, for the Southwest Project Area. Significant blight remains within the Southwest Project Area which cannot be eliminated without the increase in the time to establish debt and the increase in the tax increment dollar limit provided by the either amendment. These findings are based upon the facts, as more particularly set forth in the Agency's Report and/or the Final EIR, that:

(1) The Southwest Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including deteriorated and dilapidated buildings, aged and obsolete buildings; vacant lots and buildings; inadequate sized parcels; depreciated property values; incompatible uses; the existence of hazardous wastes; residential overcrowding; the lack of necessary commercial facilities; a high crime rate; and inadequate or deteriorated public improvements, facilities and utilities.

(2) The combination of the conditions referred to in paragraph (1) above are so prevalent and so substantial that it continues to cause a reduction of, or lack of, proper utilization of the Southwest Project Area and affects the Merged No. 2 Project Area as a whole to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(3) The continued availability of tax increment revenues from the Southwest Project Area and the Merged No. 2 Project Area as a whole will allow the Agency to continue to carry out the goals and objectives of the Southwest Plan, as revised by either the Southwest Amendment or Southwest Amendment B, by providing the financing needed to complete the public improvements and to continue the redevelopment programs necessary to alleviate the remaining blight conditions and promote and stimulate new private investment in the Southwest Project Area.

b. The Southwest Amendment or Southwest Amendment B would redevelop the Southwest Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Southwest Project Area, as contemplated by the Southwest Plan, as amended by the Southwest Amendment or Southwest Amendment B, will implement the objectives

of the Community Redevelopment Law by aiding in the elimination and correction of the remaining conditions of blight and deterioration in the Southwest Project Area and the Merged No. 2 Project Area as a whole; by facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; by providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Southwest Project Area; by providing for higher economic utilization of potentially useful land and buildings; and by providing additional funds to improve and increase the supply of low- and moderate-income housing within the community.

c. The adoption and carrying out of the Southwest Amendment or Southwest Amendment B is economically sound and feasible. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that under the Southwest Plan, as amended by either the Southwest Amendment or Southwest Amendment B, the funds available from tax increments from the Merged No. 2 Project Area and other financing sources will be sufficient to pay for the costs of the proposed public projects needed to alleviate the remaining blight conditions; the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Southwest Project Area and the Merged No. 2 Project Area as a whole; and no public redevelopment activity will be undertaken unless the

Agency can demonstrate that it has adequate revenue to finance the activity.

d. Both the Southwest Amendment and Southwest Amendment B conform to the General Plan of the City of Fresno, including, but not limited to, the Housing Element. This finding is based on the finding of the Planning Commission that both amendments conform to the General Plan of the City of Fresno.

e. The carrying out of the Southwest Amendment or Southwest Amendment B would promote the public peace, health, safety, and welfare of the City of Fresno and would effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the facts that redevelopment, as contemplated by the each amendment, will benefit the Southwest Project Area and the Merged No. 2 Project Area as a whole by correcting the remaining conditions of blight and by coordinating the additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Southwest Project Area and the Merged No. 2 Project Area as a whole and that the continued redevelopment of the Southwest Project Area will further promote and stimulate new private investment and redevelopment in the Southwest Project Area and the Merged No. 2 Project Area as a whole.

f. The condemnation of real property, as extended by the Southwest Amendment B, is necessary to the execution of the Southwest Plan, and adequate provisions have been made for payment of property to be acquired as provided by law. This finding is based on the following facts: (1) in order to facilitate

development of existing vacant or underutilized commercial properties, the Agency may need to assemble parcels to effectuate more cohesive and economically feasible development within the Southwest Project Area; (2) the Agency is required to comply with all state laws pertaining to the acquisition of real property by a public agency by negotiation or by condemnation, which laws require the payment of just compensation for any real property purchased by negotiation or condemnation; and (3) the Agency shall not proceed with any voluntary acquisition or condemnation of real property for which funds are not available.

g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Southwest Project Area. This finding is based upon the fact that the existing Southwest Plan and the existing Agency relocation policies contain the Agency's general method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Southwest Project Area, and provide for relocation assistance according to law. That general method and plan for relocation will continue to apply following the adoption of the Southwest Amendment B.

h. There are, or shall be provided, in the Southwest Project Area, Merged No. 2 Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Southwest

Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that pursuant to the Southwest Plan, as amended by either the Southwest Amendment or the Southwest Amendment B, if the Agency does displace any persons or families from a dwelling unit, no person or family will be required to move from any dwelling unit in the Southwest Project Area until suitable replacement housing is available. In addition, families and persons shall not be displaced from the Southwest Project Area prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law, and dwelling units housing persons and families of low or moderate income within the Southwest Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Community Redevelopment Law.

i. The continuation of the elimination of blight and the effective redevelopment of the Southwest Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that higher costs and more significant risks are associated with development in a blighted area such as the Southwest Project Area, available governmental actions and resources have been and are insufficient to address

remaining blighting conditions and the cost and risk to private enterprise is too great.

j. The time limitations and the tax increment dollar limitation contained in the Southwest Amendment B are reasonably related to the remaining proposed projects to be implemented in the Merged No. 2 Project Area and to the ability of the Agency to eliminate the remaining blight within the Southwest Project Area and the Merged No. 2 Project Area as a whole. This finding is based upon the fact that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. Shorter time limitations would also limit the revenue sources and financing capacity necessary to carry out the proposed projects in the Southwest Project Area and the Merged No. 2 Project Area as a whole. As more particularly described in the Agency's Report, the tax increment dollar limitation has been established at an amount to ensure the Agency's ability to undertake the redevelopment activities necessary to alleviate the remaining blight conditions in the Southwest Project Area and the Merged No. 2 Project Area as a whole.

SECTION 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Southwest Project

Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of Fresno at the time of their displacement.

SECTION 4. The merger of the Southwest Project Area with the Fruit/Church Project Area will result in substantial benefit to the public and will contribute to the revitalization of the blighted areas within the Merged No. 2 Project Area through the increased economic vitality of such areas and through increased and improved housing opportunities in and near such areas by enabling the areas within the Merged No. 2 Project Area to be planned and developed in a coordinated and integrated manner and allowing the Agency to better respond to economic opportunities throughout the Merged No. 2 Project Area that will benefit the entire Merged No. 2 Project Area.

SECTION 5. To assure the continuation of the Southwest Plan, pending the County's consideration of the Southwest Amendment, the adoption of two ordinances, one for the Southwest Amendment, and one for the Southwest Amendment B are necessary, with provisions in each ordinance assuring that only one ordinance will become effective by its terms; and

SECTION 6. In order to implement and facilitate the effectuation of the Southwest Amendment B, adopted by this Ordinance, certain official actions must be taken by the Council; accordingly the Council hereby:

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- i) pledges its cooperation in helping to carry out the Southwest Plan, as amended by the Southwest Amendment B;
- ii) directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the Southwest Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Southwest Plan, as amended by the Southwest Amendment B;
- iii) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Southwest Plan, as amended by the Southwest Amendment B; and
- iv) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Southwest Plan, as amended by the Southwest Amendment B.

SECTION 7. The Council is satisfied that written findings have been adopted in response to each written objection received from an affected taxing entity or property owner either before or at the noticed joint and concurrent public hearing. Having considered all evidence and testimony presented for or against any aspect of the Southwest Amendment and including testimony regarding deletion of the County Area from the Southwest Plan, the Council hereby overrules all written and oral objections to the Southwest Amendment B.

SECTION 8. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the Southwest Amendment B, as identified in the Joint Council Resolution No. ~~98-317~~ adopted on ~~October 20th~~ 1998, and Agency Resolution No. 1498, adopted on October 20th, 1998, were based upon consideration of the Final EIR and are incorporated and made part of the proposed Southwest Amendment B.

SECTION 9. The Southwest Plan, as adopted and amended by Ordinance Nos. 69-13, 72-126, 83-32, 86-203 and 94-114, is hereby further amended as set forth in the Southwest Amendment B attached hereto as Attachment 1, and incorporated herein by reference. As so amended, the Southwest Plan is hereby incorporated by reference herein and designated as the official Redevelopment Plan for the Southwest Project. The Executive Director of the Agency is hereby authorized to combine the Southwest Plan, as amended by the Southwest Amendment B, into a single document and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Southwest Plan.

SECTION 10. Ordinance No. 69-13, as amended by Ordinance Nos. 72-126, 83-32, 86-203 and 94-114 are continued in full force and effect as amended by this Ordinance.

SECTION 11. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency and the Agency hereby is vested with the responsibility for carrying out the Southwest Plan, as amended by the Southwest

Amendment B.

SECTION 12. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice of the approval and adoption of the Southwest Amendment B pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the Southwest Project Area pursuant to the Southwest Plan, as amended by the Southwest Amendment B, have been instituted under the California Community Redevelopment Law. The City Clerk is further directed to record the foregoing notice when, and only when Ordinance No. 98-81, adopted concurrently with this Ordinance, fails to become effective because the County Board of Supervisors fails to adopt by December 15, 1998, or votes not to adopt by December 15, 1998, an ordinance approving the Southwest Amendment. Before recording, the City Clerk will attach a certification, as described in Section 16 of this Ordinance, from the President of the Council that the County has failed to adopt or has voted not to adopt an ordinance approving the Southwest Amendment.

SECTION 13. The City Clerk is hereby directed, in cooperation with the City Attorney's office, to transmit a copy of this Ordinance amending the Southwest Plan, a description of the County Area being deleted from the Southwest Project Area, and a map or plan indicating the amendments to the boundary of the Southwest Project Area, to the auditor, assessor and tax collector of the County of Fresno, to the governing body of each of the taxing agencies which levies taxes

upon property in the Southwest Project Area, as amended, and to the State Board of Equalization, within 30 days after the adoption of this Ordinance.

SECTION 14. Section V of the Southwest Amendment B to the Southwest Plan, approved and adopted by this Ordinance, provides for the merger of the Southwest Project Area with the Fruit/Church Project Area (the "Southwest Merger Provision"). The proposed Fruit/Church Amendment correspondingly provides for the merger of the Fruit/Church Project Area with the Southwest Project Area (the "Fruit/Church Merger Provision"). When the Southwest Merger Provision takes effect and the Fruit/Church Merger Provision takes effect, the Southwest Project Area shall be officially merged with the Fruit/Church Project Area. If the Fruit/Church Merger Provision does not take effect, the Southwest Merger Provision shall have no effect.

SECTION 15. If any part of this Ordinance or the Southwest Amendment B which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance or of the Southwest Amendment B, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Southwest Amendment B if such invalid portion thereof had been deleted. It is the specific intent of the Council that the Southwest Merger Provision be considered wholly independent of the other provisions of the Southwest Amendment B. In the event the Southwest Merger Provision is determined to be invalid by a court of competent jurisdiction for any reason, that

circumstance shall not affect the remaining provisions of the Southwest Amendment B approved hereby.

SECTION 16. This Ordinance shall become effective and in full force and effect at 12:00 a.m. on the earlier to occur of the following: (a) 31 days following its final passage have expired, and (b) either (i) the President of the Council certifies that the County Board of Supervisors has voted, on or before December 15, 1998, not to adopt an ordinance approving the Southwest Amendment, or (b) the President of the Council certifies that the County Board of Supervisors has failed, by December 15, 1998, to consider adopting an ordinance approving the Southwest Amendment. The President's certification, if given, shall be attached to the official copy of this Ordinance in the records of the City Clerk. If Ordinance No. 98-81 approving the 1998 Southwest Amendment, adopted concurrently with this Ordinance, becomes effective according to its terms, then this Ordinance will not become effective and shall be deemed repealed, void, and of no effect.

Attachment 1: 1998 Amendment B to the Redevelopment Plan for the Southwest Project

Attachment 2: Council President's Certification as described in Section 16 of this Ordinance (to be attached by the City Clerk)

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Deputy

ATTACHMENT "1"

1998 AMENDMENT "B" TO THE URBAN RENEWAL PLAN FOR THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA PROJECT

The Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project adopted on January 14, 1969, by Ordinance No. 69-13, as amended to date, is hereby further amended as follows:

- I. Section 102 of the Plan is hereby amended to add a sixth paragraph to read as follows:

"As of the effective date of the ordinance approving the 1998 Amendment to the Plan (the "1998 Ordinance"), this Plan shall mean and include the Plan, as amended by the 1998 Ordinance."

- II. Section 501 of the Plan is hereby amended to read as follows:

"501 Duration of Plan and Covenants"

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until January 14, 2009; provided, however, that, subject to the limitations set forth in Section 603.C. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible."

- III. Paragraph B. of Section 601 of the Plan is hereby amended to add a sentence at the end of the paragraph to read as follows:

“Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the 1998 Ordinance becomes effective.”

- IV. Section 602 of the Plan is hereby amended to add a new paragraph E. to read as follows:

“E. Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.”

- V. Two paragraphs are hereby added to the end of paragraph C of Section 603 of the Plan to read as follows:

“The portion of taxes divided and allocated to the Agency pursuant to paragraph 2 above shall not exceed a cumulative total of \$113,000,000.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 14, 2009. Loans, advances or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time

limit for repaying indebtedness as set forth herein. The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 603.C. beyond January 14, 2019."

- VI. A new Chapter 8, Section 801 is hereby added to the Plan to read as follows:

"801 Merger

Upon the effective date of the 1998 Ordinance and provided an ordinance becomes effective amending the Redevelopment Plan for the Fruit/Church Project which includes the merger of the Fruit/Church Project Area with this Project Area (the "Fruit/Church Merger Ordinance"), the Project Area is hereby merged with the Fruit/Church Project Area. Upon the effective date of the 1998 Ordinance and the Fruit/Church Merger Ordinance, the Project Area and the Fruit/Church Project Area may hereinafter be known and referred to as the Merger No. 2 Project Area."

- VII. The Plan is hereby amended to delete from the Project Area those properties located within the unincorporated territory of the County of Fresno (the "Deleted County Area"), as described in the "Legal Description of the Amended Project Area Boundaries" with the County Area Deleted, attached hereto as Exhibit A and as shown on the "Map of the Amended GNRA Project Area Boundaries," attached hereto as Exhibit B, and all provisions of the Plan, including the text, exhibits and legal description applicable to the Deleted County Area shall be void and of no further effect, and the Plan, including the text, all exhibits and the legal description shall be amended, as necessary, to implement this amendment.

EXHIBIT "A"

Legal Description of the Amended Project Area Boundaries

The Revised GNRA Project Area Boundaries, as depicted on Exhibit 2, Project Area Boundary Map, are more particularly described as follows:

Beginning At a point on the westerly side of South Thorne Avenue where said South Thorne Avenue intersects the southerly line of the proposed Freeway 180 alignment; thence

In a southwesterly direction, adjacent to and on the southerly right-of-way line of the proposed Freeway 180 alignment to a point of the westerly right-of-way line of North Teilman abutting the said Freeway alignment; thence

Southerly to the southwest corner of the intersection of North Teilman Avenue and East Whitesbridge Road; thence

Easterly along the south right-of-way of East Whitesbridge Road to the southwest corner of the intersection of East Whitesbridge Road and South Fruit Avenue; thence

South on the westerly right-of-way line of South Fruit Avenue to the southwest corner of the intersection of South Fruit Avenue and East Amador Street; thence

Easterly on the south right-of-way line of East Amador to the southwest corner of the intersection of East Amador Street and South Arthur Avenue; thence

South along the westerly right-of- way line of South Arthur Avenue to the northwest corner of the intersection of South Arthur Avenue and West San Joaquin Avenue; thence

Westerly on the northerly right-of-way line of West San Joaquin Avenue (extended) to a point that is 150 feet west of the westerly right-of-way line of South Arthur Avenue; thence

South to a point that is on the southerly right-of-way line of West Chandler Avenue (extended); thence

Easterly along the southerly right-of-way line of West Chandler Avenue extended to the southwest corner of the intersection of West Chandler Avenue and South Thorne Avenue; thence

South on the westerly right-of-way line of South Thorne Avenue to the northwest corner of the intersection of South Thorne Avenue and East Kearney Boulevard; thence

West along the northerly right-of- way line of West Kearney Boulevard to a point that is 330 feet west of the center line of South Teilman Avenue; thence

South to the northerly right-of-way line of West Eden Avenue; thence

West along the northerly right-of-way line of west Eden Avenue to a point 660 feet west of South West Avenue; thence

South to a point on the southerly right-of-way line of West California Avenue; thence

East along the southerly right-of-way line of West California Avenue to the southwest corner of the intersection of West California Avenue and South Fruit Avenue; thence

South along the westerly right-of-way line of South Fruit Avenue to the northwesterly corner of the intersection of South Fruit Avenue and West Church Road; thence

Southwesterly along the northerly right-of-way line of West Church Road to the northwesterly intersection of West Church Road and South Delno Avenue; thence

South along the westerly side of the South Delno Avenue alignment (extended) a distance of approximately 1125 feet to a point approximately 380 feet south of the southerly line of the Braly Canal and 650 feet west of the northwest corner of the intersection of South Fruit Avenue and East Belgravia Avenue; thence

East on the southerly right-of-way line of East Belgravia (extended) to the southwest corner of the intersection of South Fruit Avenue and East Belgravia Avenue; thence

South on the westerly right-of-way line of South Fruit Avenue to the southwest corner of the intersection of South Fruit Avenue and East Church Avenue; thence

East along the southerly right-of-way line of East Church Avenue to a point that is 320 feet west of the center line of South Elm Avenue; thence

Southerly to a point that is 660 feet north of the center line of East Annadale Avenue; thence

West to a point that is 328.43 feet east of the center line of South Clara Avenue (extended); thence

South to the southerly right-of-way line of East Annadale Avenue; thence

East along the southerly right-of-way line of East Annadale Avenue to the southwest corner of the intersection of East Annadale Avenue and South Ivy Avenue; thence

South along the westerly right-of-way line of South Ivy Avenue to the northwest corner of the intersection of South Ivy Avenue and East Chester Avenue; thence

West along the northerly right-of-way line of East Chester Avenue (extended) to a point on the easterly right-of-way line of South Bardell Avenue (extended) thence

North along the easterly right-of-way line of South Bardell Avenue (extended) to the northeast corner of the intersection of South Bardell Avenue and East Edgar Avenue;

24

thence

West along the northerly right-of-way line of East Edgar Avenue (extended) to a point on the westerly right-of-way line of South Lee Avenue (extended); thence

South along the westerly right-of-way line of South Lee Avenue (extended) to the southwest corner of the intersection of South Lee Avenue and East North Avenue; thence

East along the southerly right-of-way line of East North Avenue to the southwest corner of the intersection of East North Avenue and South Fig Avenue; thence

South on the westerly right-of-way line of South Fig Avenue to a point approximately 135 feet south of the southerly right-of-way line of the intersection of South Fig Avenue and West Roy Avenue; thence

East to a point that bisects the easterly right-of-way line of South Clara Avenue (extended); thence

Northerly along the east right-of-way line of South Clara Avenue to a point approximately 206 feet north of the south line of Lot 65; thence

Easterly to a point approximately 527 feet along a line parallel to the south line of Lot 65; thence

Northerly along a line parallel to the east right-of-way line of South Clara Avenue to intersect the centerline of East North Avenue; thence

Easterly along the Centerline of North Avenue to intersect the east right-of-way line of South Cherry Avenue (extended); thence

North on the easterly right-of-way line of South cherry Avenue to the northeast corner of the intersection of South Cherry Avenue and East Chester Avenue (extended); thence

West along the northerly right-of-way line of East Chester Avenue (extended) to the northeast corner of the intersection of East Chester Avenue (extended) and South Elm Avenue; thence

North along the easterly right-of-way line of South Elm Avenue to the southeast corner of the intersection of South Elm Avenue and East Vine Avenue; thence

Easterly along the southerly right-of-way line of East Vine Avenue to the southeast corner of the intersection of East Vine Avenue and South Lily Avenue; thence

North along the easterly right-of-way line of South Lily Avenue to a point at the northeast corner of the intersection of South Lily Avenue (extended) and East Jensen Avenue; thence

JD

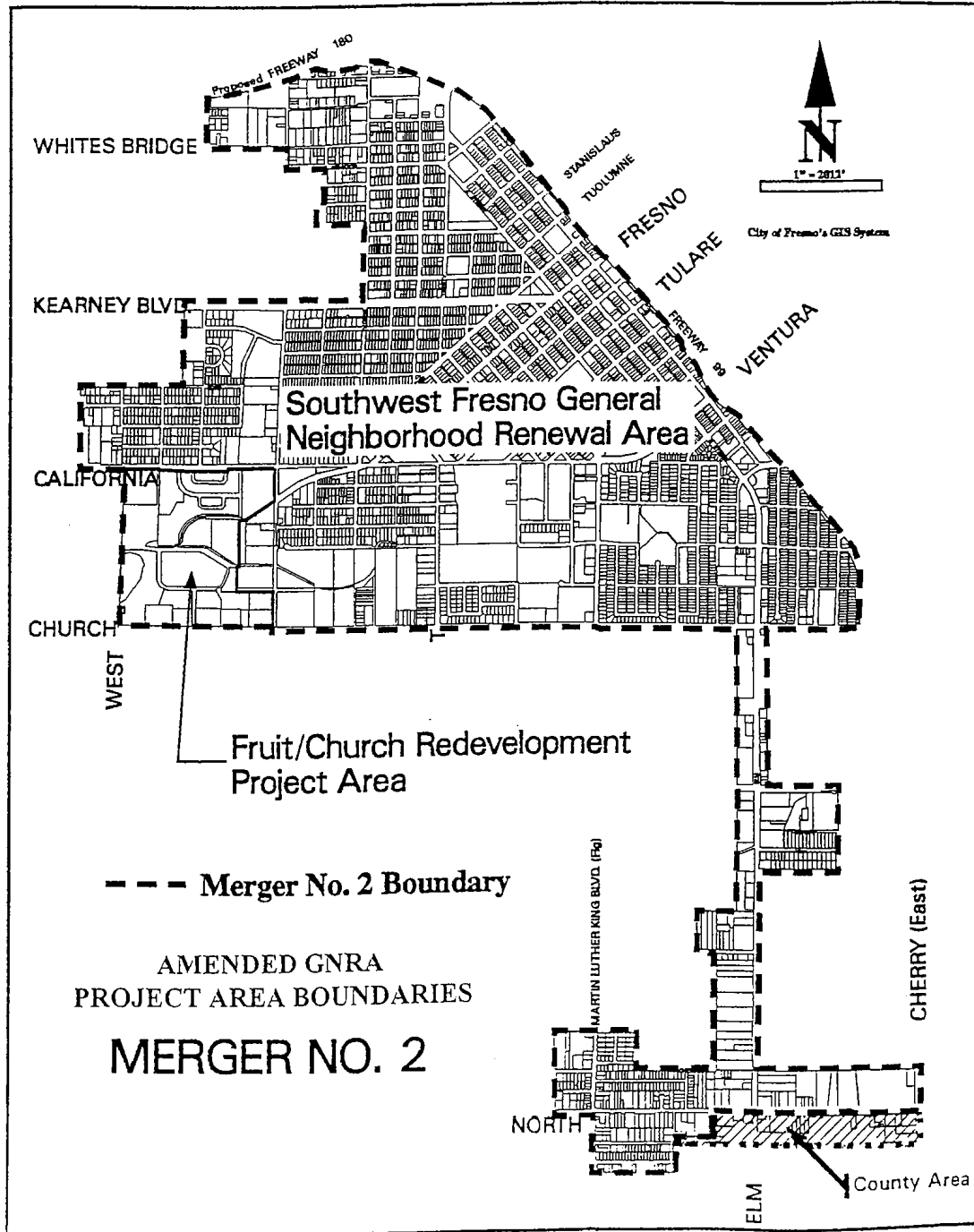
Westerly along the northerly right-of-way line of East Jensen Avenue to a point 123.12 feet west of the westerly right-of-way line of South Poppy Avenue; thence

North to a point 123.26 feet west of the westerly right-of-way line of South Poppy Avenue and at the southerly right-of-way line of East Church Avenue; thence

Easterly along the southerly right-of-way line of East Church Avenue to a point at the southeast corner of the intersection of East Church Avenue and the proposed Freeway 41 (at or about South Kirk Avenue); thence

Northerly along the westerly right-of-way line of said proposed Freeway 41 to a point at the southwesterly corner of the intersection of said proposed Freeway 41 and the existing Freeway 99; thence

Northwesterly along the southwesterly right-of-way line of Freeway 99 to the point of beginning, containing 1,757 acres more or less.



November 5, 1998

TO: MAYOR JIM PATTERSON
FROM: REBECCA E. KLISCH, City Clerk
SUBJECT: TRANSMITTAL OF COUNCIL ACTION
FOR APPROVAL OR VETO

Council Adoption: _____
Mayor Approval: _____
Mayor Veto: NO *Return*
Override Request: _____
By: _____
Deputy

At the Council meeting of 10/20/98, Council adopted the attached Ordinance No. 98-82, entitled Proposed 1998 amndmnt and merger of SW Fresno GNRA Project, deleting the County Area, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : Mathys
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before 11/16/98. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Jim Patterson, Mayor

Date: 11-16-98

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes
Noes :
Absent :
Abstain :

c: Jeff Reid, City Manager
Hilda C. Montoy, City Attorney

**CERTIFICATION OF
COUNCIL PRESIDENT**
(Bill No. B-95 - Ordinance No. 98-82)

I, the undersigned, certify that:

1. I am the duly elected and acting President of the City Council of the City of Fresno, a municipal corporation; and

2. The attached is a certified Agenda Item Minute Order, prepared and signed by the Clerk of the Fresno County Board of Supervisors (the "Board") November 6, 1998, regarding the Board's vote, November 3, 1998, on whether to adopt an ordinance approving the City of Fresno's 1998 amendment to the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project (as adopted by the City Council October 20, 1998 under Bill No. B-94 - Ordinance No. 98-81) (the "Amendment"); and

3. Based on this officially prepared Minute Order, I certify that the Fresno County Board of Supervisors voted, on November 3, 1998, not to adopt an ordinance approving the Amendment; and

4. As required in Ordinance No. 98-82, the City Clerk will attach this certification to Bill No. B-95/Ordinance No. 98-82 to show that the Bill, by its own terms will become effective at 12:00 a.m. 31 days following its final passage, because the Board voted unanimously not to approve the Amendment.



Chris Mathys, City Council President

Dated: November 18th, 1998

Attachment: Fresno Count Board of Supervisors
Agenda Item Minute Order, dated November 6, 1998,
Regarding Board Action November 3, 1998
Fresno County Board of Supervisors Vote



Agenda Item

DATE: November 3, 1998

TO: Board of Supervisors

FROM:

William H. Randolph, County Administrative Officer
Carolina Jimenez-Hogg, Director - Public Works & Development Services

SUBJECT: Proposed Ordinance to Approve the City of Fresno's 1998 Amendment to the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project

RECOMMENDED ACTION:

1. Hold first reading of an ordinance for approval of the proposed 1998 Amendment of the City of Fresno's Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project, Relative to the Unincorporated County area within the project area (Attachment "A").
2. Set November 17, 1998 as the hearing date for the second reading.

FISCAL IMPACT:

The maximum gross total tax increment revenues to the Merged Project Area through fiscal year 2021-2022 (the last year in which the tax increment may be received by the Agency to repay the debt) amounts to \$87 million, of which a maximum of \$16.4 million would be available for deposit into the housing fund and a combined maximum of \$17.9 million would be paid under pre-existing tax-sharing agreements, to the County for administration charges or allocated to affected taxing entities under statutory pass through formula required under AB 1290.

ADMINISTRATIVE OFFICE REVIEW Jim Sem-Baugh Page 1 of 3
BOARD ACTION: DATE November 3, 1998 APPROVED AS RECOMMENDED _____ OTHER X



TERMINATED ORDINANCE.

UNANIMOUS X ARAMBULA _____ KOLIGIAN _____ LEVY _____ OKEN _____ PERCH _____
FC-17 (1/89) REV. 11/96

Board of Supervisors
November 3, 1998
Page Two

It is estimated that during the life of the project the County will continue to receive its normal share of the base tax in the amount of \$100,086 annually. During the first phase of the Fruit/Church and Southwest redevelopment projects, from 1969 up to the year 1998-99 the County is not entitled to receive any share of the tax increment. In light of the new statutory pass through requirements of AB 1290, the County's share of the tax increment will start in 1999-00 at \$5,000 annually and will progressively increase to \$466,000 in the year 2018-19. The County's tax share, after termination of debt payments for the project (in 2019-20) will start receiving an estimated \$2.01 million a year (Exhibit "B").

It is estimated that in total the County will receive \$12.04 million from this project. (from 1998-99 to the year 2021-22), this total includes an estimated \$2.2 million from base tax revenue, \$3.33 million from statutory share of tax increment and \$6.45 million from the County's share after the Southwest project termination.

DISCUSSION:

On October 20, 1998 your Board approved in concept a request by the City of Fresno Redevelopment Agency to continue the inclusion of a 40-acre area as part of the City of Fresno's proposed 1998 Amendment to the Southwest Fresno Urban Renewal Plan. The proposed ordinance has been prepared by the Redevelopment Agency staff and reviewed by County staff.

In addition to approving the continued inclusion of the unincorporated area component of this project, your Board is also being asked to approve the proposed 1998 amendment to the Urban Renewal Plan delineated in the proposed ordinance.

The Redevelopment Agency of the City of Fresno proposes to merge and extend the time limitations of the redevelopment plans for the Southwest Fresno General Neighborhood Renewal Area and the Fruit/Church Redevelopment Project. These plans are scheduled to expire in 1999 and 2001 respectively. The planned merger will provide the agency with flexibility in using tax increment financing in any redevelopment project within the merged project area. Attachment "C" provides more details on the specific limitations such as debt establishment limit, plan effectiveness limit and debt repayment limits being extended.

Board of Supervisors
November 3, 1998
Page Three

The Urban Renewal Plan for Southwest Fresno was originally adopted by your Board on January 14, 1969 by Ordinance No. 515-A-1, and on November 21, 1972 your Board adopted an amendment to this redevelopment plan to make land use and circulation charges to bring the Redevelopment Plan into conformity with adopted plans (Ordinance No. 515-A-2).

The proposed amendment has been approved by the Fresno City Council and the Board of the Redevelopment Agency in a joint meeting on October 20, 1998.

Per your Board's direction, property owners of the unincorporated area were notified about today's hearing.

WHR:JLB:or
G:\OXR2445\JB\SOUTHWEST

STATE OF CALIFORNIA,
COUNTY OF FRESNO

I, SHARI GREENWOOD, Clerk to the Board of Supervisors of said Fresno County, do hereby certify the foregoing to be a full, true and correct copy of the original Agenda Item Minute Order regarding Proposed Ordinance of City of Fresno's 1998 Urban Renewal Plan for Southwest Fresno General Neighborhood Renewal Area Project

now of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board of Supervisors, this 6th day of November, 19 98.

County of
FRESNO



SHARI GREENWOOD, Clerk to the Board of Supervisors
of Fresno County, California.

By

Gwen Saffell

Deputy Clerk

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF FRESNO

STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CITY OF FRESNO'S "1998
AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE
SOUTHWEST FRESNO GENERAL NEIGHBORHOOD
RENEWAL AREA PROJECT," RELATIVE TO THE
UNINCORPORATED COUNTY AREA WITHIN THE PROJECT
AREA

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides in Section 33213 that, by ordinance, the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community and that any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing; and

WHEREAS, on the tenth day of May, 1966, this Board by Ordinance No. 515 did authorize the City of Fresno or its designee to undertake the redevelopment of an area within the unincorporated area of Fresno County, contiguous to the City of Fresno and more particularly described as follows:

All that area within the County of Fresno described as being bounded by a line starting at the corner of West Whitesbridge and Teilman; thence North to the adopted California 180 Freeway right of way; thence East along said right of way to its intersection with U. S. 99 Freeway; thence southwesterly along the westerly right of way of said freeway to its intersection with the adopted California 41 Freeway right of way, thence south along the

westerly right of way of said 41 Freeway alignment to its intersection with the Fresno Colony Canal; thence westerly along westerly alignment of said Canal to its intersection with South Lily Extended; thence south to the center line of East Vine Avenue; thence west to the center line of South Elm Avenue; thence south to a point 430 feet north of North Avenue; thence east to the center line of South Cherry; thence south to a point 400 feet south of North Avenue; thence west to the center line of South Clara Avenue; thence south to a point 150 feet south of East Roy Avenue; thence west to South Fig Avenue; thence north to the center line of North Avenue; thence west to the center line of South Lee Avenue; thence north to the center line of East Edgar Extended; thence East to the center line of South Bardell; thence south to the center line of East Chester Avenue Extended; thence east to the center line of South Ivy; thence north to the center line of East Annadale; thence west to a point that is 328.43 feet east of the center line of South Clara Avenue Extended; thence north 660 feet; thence east to a point that is 320 feet west of the center line of South Elm; thence north to the center line of East Church Avenue; thence west on Church to the center line of South Fruit; thence north on Fruit to the north right of way line of West Belgravia; thence west a distance of 550 feet; thence north to the north right of way line of West Church Road; thence north easterly along said right of way to the center line of South Fruit Avenue; thence north to the center line of West California; thence west to a point 660 feet west of South West Avenue; thence south to the center line of West Eden Avenue Extended; thence east to a point 338 feet west of the center line of South Teilman; thence north to the center line of West Kearney Boulevard; thence east to the center line of South Thorne; thence north to the north right of way line of West Chandler Avenue; thence west to a point that is 150 feet west

of the center line of South Arthur; thence north to the center line of West San Joaquin Street Extended; thence east to the center line of South Arthur; thence north to the north right of way line of West Amador; thence west to the center line of South Fruit Extended; thence north to the north right of way line of West Whitesbridge Road; thence west to the point of beginning. EXCEPTING therefrom those portions thereof lying within the incorporated area of the City of Fresno.

WHEREAS, on the 14th day of January, 1969, this Board by Ordinance No. 515-A-1, adopted an ordinance approving the Urban Renewal Plan for Southwest Fresno ("the Redevelopment Plan");

WHEREAS, on the 21st day of November 1972 this Board by Ordinance No. 515-A-2 adopted an ordinance approving an amendment to the Redevelopment Plan to make land use and circulation changes to bring the Redevelopment Plan into conformity with adopted plans; and

WHEREAS, the City Council of the City of Fresno ("City Council") by Resolution No. 97-72 initiated procedures to amend the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan, and other amendments to provide for the effective implementation of the Redevelopment Plan and the removal of remaining blight in the area; and

WHEREAS, the City Council adopted an ordinance amending the Redevelopment Plan, the "1998 Amendment to the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project," and the amendment is attached hereto as Exhibit "A" (the "1998 Amendment").

The Board of Supervisors of the County of Fresno do ordain as follows:

Section 1: The "1998 Amendment" in Exhibit "A" is hereby approved.

Section 2. This Ordinance shall take effect and be in force thirty (30) days from and after

its passage, and before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in The Fresno Bee, a newspaper of general circulation published in said County of Fresno.

PASSED AND ADOPTED by the Board of Supervisors of the County of Fresno, State of California, this ____ day of _____ 1998, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CHAIRMAN, Board of Supervisors
Fresno County, California

ATTEST:

Shari L. Greenwood
Clerk to the Board of Supervisors

BY _____
Deputy

1998 AMENDMENT TO THE URBAN RENEWAL PLAN
FOR THE SOUTHWEST FRESNO
GENERAL NEIGHBORHOOD RENEWAL AREA PROJECT

The Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project adopted on January 14, 1969, by Ordinance No. 69-13, as amended to date, is hereby further amended as follows:

- I. Section 102 of the Plan is hereby amended to add a sixth paragraph to read as follows:

"As of the effective date of the ordinance approving the 1998 Amendment to the Plan (the "1998 Ordinance"), this Plan shall mean and include the Plan, as amended by the 1998 Ordinance."

- II. Section 501 of the Plan is hereby amended to read as follows:

"501 Duration of Plan and Covenants

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until January 14, 2009; provided, however, that, subject to the limitations set forth in Section 603.C. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible."

- III. Paragraph B. of Section 601 of the Plan is hereby amended to add a sentence at the end of the paragraph to read as follows:

"Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the 1998 Ordinance becomes effective."

- IV. Section 602 of the Plan is hereby amended to add a new paragraph E. to read as follows:

"E. Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area."

- V. Two paragraphs are hereby added to the end of paragraph C of Section 603 of the Plan to read as follows:

"The portion of taxes divided and allocated to the Agency pursuant to paragraph 2 above shall not exceed a cumulative total of \$113,000,000.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 14, 2009. Loans, advances or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness as set forth herein. The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 603.C. beyond January 14, 2019."

- VI. A new Chapter 8, Section 801 is hereby added to the Plan to read as follows:

"801 Merger

Upon the effective date of the 1998 Ordinance and provided an ordinance becomes effective amending the Redevelopment Plan for the Fruit/Church Project which includes the merger of the Fruit/Church Project Area with this Project Area (the "Fruit/Church Merger Ordinance"), the Project Area is hereby merged with the Fruit/Church Project Area. Upon the effective date of the 1998 Ordinance and the Fruit/Church Merger Ordinance, the Project Area and the Fruit/Church Project Area may hereinafter be known and referred to as the Merger No. 2 Project Area."

#15009
Table 1.2
Fiscal Analysis of County General Tax Revenue
Fresno County General Fund
Merger 2 - Fruit Church and Southwest Projects

TRA	Project	Area	1997-98 Total AV	Base Year Value	Incremental Value	County General	
						1% Levy Share	Weighted Average
005-263	Fruit Church		282,427	94,904	187,523	28.68100%	0.03133%
005-267	Fruit Church		26,495,676	1,724,488	24,771,188	29.46500%	4.25211%
005-126	Southwest		2,531,930	313,920	2,218,010	29.76500%	0.38461%
005-224	Southwest		119,561,893	26,970,684	82,591,209	28.68100%	15.47089%
005-230	Southwest		49,880,851	3,014,392	46,866,459	29.00000%	7.91794%
005-326	Southwest		0	37,020	(37,020)	29.00000%	-0.00625%
005-401	Southwest		2,948,310	794,644	2,153,666	24.11700%	0.30259%
005-474	Southwest		3,403,372	1,808,008	1,795,364	26.25200%	0.27459%
152-002	Southwest		1,535,486	430,012	1,105,474	33.88200%	0.21621%
Totals			206,640,045	34,998,072	171,651,973		28.84600%
Share of Base 1% Tax Levy - Fruit Church Project							5.353
Share of Base 1% Tax Levy - Southwest Project							94.733
Total Share of Base 1% Tax Levy - Merger 2							100.086

Fiscal Year	Share of Base Tax Levy	Statutory Share at 28.85%	Share After Southwest Termination	Total Share to County
1997-98	100.086	0	0	100.086
1998-99	100.086	0	0	100.086
1999-00	100.086	5,000	0	105.086
2000-01	100.086	11,000	0	111.086
2001-02	100.086	17,000	0	117.086
2002-03	100.086	24,000	0	124.086
2003-04	100.086	32,000	0	132.086
2004-05	100.086	42,000	0	142.086
2005-06	100.086	52,000	0	152.086
2006-07	100.086	63,000	0	163.086
2007-08	100.086	76,000	0	176.086
2008-09	100.086	90,000	0	190.086
2009-10	100.086	117,000	0	217.086
2010-11	100.086	145,000	0	245.086
2011-12	100.086	175,000	0	275.086
2012-13	100.086	207,000	0	307.086
2013-14	100.086	241,000	0	341.086
2014-15	100.086	281,000	0	381.086
2015-16	100.086	322,000	0	422.086
2016-17	100.086	367,000	0	467.086
2017-18	100.086	415,000	0	515.086
2018-19	100.086	466,000	0	566.086
2019-20	5.353	56,000	2,018,000	2,079,353
2020-21	5.353	63,000	2,159,000	2,227,353
2021-22	5.353	72,000	2,309,000	2,386,353
TOTALS	2,217,958	3,339,000	6,466,000	12,042,958

- (1) Based on the County's estimated tax levy share of base year value in the Southwest and Fruit Church Projects.
 (2) Based upon real property growth rates of 5% (Years 1-4), 6% (Years 5-9) and 7% (Years 10 forward). Statutory pass through for the Southwest Project commences 1-1-2004 (prior debt incurrence limit date).
 2-1-1999 (prior Plan effectiveness and debt incurrence limit dates). Statutory pass through for the Fruit Church Project commences 1-1-2004 (prior debt incurrence limit date).
 (3) Plan effectiveness date for the Southwest Project is 1-1-2009 and the Agency's limit to receive tax increment to repay debt extends to 1-1-2019. The County receives it's full share thereafter.
 Plan effectiveness date for the Fruit Church Project is 10-1-2011 and the Agency's limit to receive tax increment to repay debt extends to 10-1-2021. The County receives it's full share thereafter.

The Redevelopment Plans for Southwest Fresno General Neighborhood Renewal Area and adjacent Fruit/Church Redevelopment Project will expire in 1999 and 2001, respectively. The following indicates the specific limitations being extended, the current limit, and the proposed amendment to the limitation for each of the two existing Redevelopment Plans.

TABLE 1
PROPOSED AMENDMENTS TO LIMITS

	SWGNRA		Fruit/Church	
	Current Limit	Proposed Amendment ¹	Current Limit	Proposed Amendment ¹
Increase the time limit on the establishment of loans, advances, and indebtedness. (Debt Establishment)	2/14/1999	1/14/2009	01/01/2004	10/07/2011
Increase the time limit on the effectiveness of the redevelopment plan. (Plan Duration)	2/14/1999	1/14/2009	11/07/2011	10/07/2011
Increase the time limit on the agency's ability to pay indebtedness or receive tax increment. (Debt Repayment)	2/14/2009	1/14/2019	12/09/2021	10/07/2021
Increase the time limit for commencement of eminent domain proceedings to acquire property within the project area. (Eminent Domain Limit)	12/16/1998	July, 2010	12/16/1998	July, 2010
Increase the limit on the number of dollars to be allocated to the redevelopment agency. (Tax Increment Limit)	\$30,000,000	113,000,000	\$8,150,000	21,000,000

Although the Redevelopment Plans will be merged, individual time and financial limits still apply separately and can be changed only by amendment to each Redevelopment Plan.

¹ Includes technical amendments to current limits to conform with the Community Redevelopment Law, as amended by AB 1290.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

On December 9th, 1998, before me, Jocelyne Gueret, personally appeared DANIEL R FITZPATRICK, EXEC. DIRECTOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument(s) the person(s), or the entity upon behalf of the City of Fresno of which the person(s) acted, executed the instrument.

WITNESS my hand and official City Seal.

REBECCA E. KLISCH
CITY CLERK

BY: Jocelyne Gueret
DEPUTY

CLARIFICATION PAGE

**I CERTIFY UNDER PENALTY OF PERJURY THAT THIS
"CLARIFICATION PAGE" IS A TRUE AND CORRECT
COPY OF THE PAGE BEING CLARIFIED.**

DATE 12/14/98

SIGNATURE 

Table 1.2
Fiscal Analysis of County General Tax Revenue
Fresno County General Fund
Merger 2 - Fruit Church and Southwest Projects

ATTACHMENT "B"

TRA	Project Area	1997-98 Total AV	Base Year Value	Incremental Value	County General		Fiscal Year	(1) Share of Base Tax Levy	(2) Statutory Share at 28.85%	(3) Share After Termination	Total Share to County
					1% Levy Share	Weighted Average					
005-263	Fruit Church	282,427	94,904	187,523	28.68100%	0.031333%	1997-98	100.086	0	0	100.086
005-267	Fruit Church	26,495,676	1,724,488	24,771,188	29.46500%	4.25211%	1998-99	100.086	0	0	100.086
005-126	Southwest	2,531,930	313,920	2,218,010	29.76500%	0.38461%	1999-00	100.086	5,000	0	105.086
005-224	Southwest	119,561,893	26,970,684	92,591,209	28.68100%	15.47089%	2000-01	100.086	11,000	0	111.086
005-230	Southwest	49,880,951	3,014,392	46,866,559	29.00000%	7.91794%	2001-02	100.086	17,000	0	117.086
005-326	Southwest	0	37,020	(37,020)	29.00000%	-0.00625%	2002-03	100.086	24,000	0	124.086
005-401	Southwest	2,948,310	794,644	2,153,666	24.11700%	0.30259%	2003-04	100.086	32,000	0	132.086
005-474	Southwest	3,403,372	1,608,008	1,795,364	26.25200%	0.27458%	2004-05	100.086	42,000	0	142.086
152-002	Southwest	1,533,486	430,012	1,103,474	33.86200%	0.21821%	2005-06	100.086	52,000	0	152.086
Totals		206,640,045	34,988,072	171,651,973			2006-07	100.086	63,000	0	163.086
							2007-08	100.086	76,000	0	176.086
							2008-09	100.086	90,000	0	190.086
							2009-10	100.086	117,000	0	217.086
							2010-11	100.086	145,000	0	245.086
							2011-12	100.086	175,000	0	275.086
							2012-13	100.086	207,000	0	307.086
							2013-14	100.086	241,000	0	341.086
							2014-15	100.086	281,000	0	381.086
							2015-16	100.086	322,000	0	422.086
							2016-17	100.086	367,000	0	467.086
							2017-18	100.086	415,000	0	515.086
							2018-19	100.086	466,000	0	566.086
							2019-20	5,353	56,000	2,018,000	2,079,353
							2020-21	5,353	63,000	2,159,000	2,227,353
							2021-22	5,353	72,000	2,309,000	2,386,353
							TOTALS	2,217,958	3,339,000	6,486,000	12,042,958

- (1) Based on the County's estimated tax levy share of base year value in the Southwest and Fruit Church Projects.
- (2) Based upon real property growth rates of 5% (Years 1-4), 6% (Years 5-9) and 7% (Years 10 forward). Statutory pass through for the Southwest Project commences 2-14-1999 (prior Plan effectiveness and debt incurrence limit dates). Statutory pass through for the Fruit Church Project commences 1-1-2004 (prior debt incurrence limit date).
- (3) Plan effectiveness date for the Southwest Project is 1-14-2009 and the Agency's limit to receive tax increment to repay debt extends to 1-14-2019. The County receives its full share there Plan effectiveness date for the Fruit Church Project is 10-7-2011 and the Agency's limit to receive tax increment to repay debt extends to 10-7-2021. The County receives its full share there

The Redevelopment Plans for Southwest Fresno General Neighborhood Renewal Area and adjacent Fruit/Church Redevelopment Project will expire in 1999 and 2001, respectively. The following indicates the specific limitations being extended, the current limit, and the proposed amendment to the limitation for each of the two existing Redevelopment Plans.

**TABLE 1
PROPOSED AMENDMENTS TO LIMITS**

	<i>SWGNRA</i>		<i>Fruit/Church</i>	
	Current Limit	Proposed Amendment¹	Current Limit	Proposed Amendment²
Increase the time limit on the establishment of loans, advances, and indebtedness. (Debt Establishment)	2/14/1999	1/14/2009	1/01/2004	10/07/2011
Increase the time limit on the effectiveness of the redevelopment plan. (Plan Duration)	2/14/1999	1/14/2009	11/07/2011	10/07 /2011
Increase the time limit on the agency's ability to pay indebtedness or receive tax increment. (Debt Repayment)	2/14/2009	1/14/2019	12/09/2021	10/07/2021
Increase the time limit for commencement of eminent domain proceedings to acquire property within the project area. (Eminent Domain Limit)	12/16/1998	July, 2010	12/16/1998	July, 2010
Increase the limit on the number of dollars to be allocated to the redevelopment agency. (Tax Increment Limit)	\$30,000,000	\$113,000,000	\$8,150,000	\$21,000,000

Although the Redevelopment Plans will be merged, individual time and financial limits still apply separately and can be changed only by amendment to each Redevelopment Plan.

¹ Includes technical amendments to current limits to conform with the Community Redevelopment Law as amended by AB 1290.