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ORDINANCE NO. 99-44

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING AND
ADOPTING THE REDEVELOPMENT PLAN FOR THE AIRPORT AREA
REVITALIZATION REDEVELOPMENT PROJECT

**ORDINANCE A - 2: PROJECT AREA BOUNDARIES WITH ALL GAP PROPERTIES,
WITHOUT MERGER, WITH A CAP ON TAX INCREMENT**

**ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____**

MOVED BY Boyajian SECONDED BY Ronquillo

BILL NO. B-47

ORDINANCE NO. 99-44

**AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN
FOR THE AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT**

WHEREAS, the Council of the City of Fresno (the "Council") has received the proposed Redevelopment Plan (the "Redevelopment Plan") for the Airport Area Revitalization Redevelopment Project (the "Project"), a copy of which is on file at the offices of the Agency and the City Clerk and attached to this Ordinance as Attachment 1, from the Redevelopment Agency of the City of Fresno (the "Agency"); and

WHEREAS, the Council is also the Agency Board, and both bodies have consented to a joint public hearing to consider approving and adopting the Redevelopment Plan; and

WHEREAS, the Council has also received the Report to Council, and a Supplemental Report to Council, on the Redevelopment Plan, from the Agency (the "Agency's Report"), which contains all the following: (1) the reasons for selecting the Project Area, (2) descriptions of specific projects the Agency proposes in the Project Area, and how the projects will improve or alleviate the physical and economic blighting conditions existing in the Project Area; (3) descriptions of the physical and economic blighting conditions existing in the Project Area, and a map showing where the conditions exist; (4) an Implementation Plan for the first five years of the Redevelopment Plan; (5) an explanation of why eliminating blight and redeveloping the Project Area cannot be accomplished by private enterprise acting alone or by the Council's use of financing alternatives other than tax increment financing; (6) the proposed method for financing redevelopment of the Project Area, which demonstrates

Adopted
Approved
Efficient
6-29-99
7-19-99
8-20-99

99-44

the economic feasibility of redeveloping the Project Area; (7) a plan for relocating families and persons temporarily or permanently displaced from housing facilities from implementing the Redevelopment Plan; (8) an analysis of the Preliminary Plan for the Project; (9) the Planning Commission of the City of Fresno's (the "Planning Commission") Report and Recommendation, including a report regarding the Agency's potential land acquisition for, and installation or construct of, certain public improvements and public utilities; (10) a summary of citizen participation meetings on the Redevelopment Plan; (11) the Final Program Environmental Impact Report No. 98-01; (12) the report of the County of Fresno's (the "County") fiscal officer, (13) a neighborhood impact report; (14) a summary of the Agency's consultations with affected taxing entities, including responses to the entities' written objections and concerns the Agency received during consultations; and

WHEREAS, June 16, 1999, the Planning Commission considered the Redevelopment Plan at a noticed Public Hearing, and has reported that the Redevelopment Plan is consistent with the General Plan of the City of Fresno, and has recommended approval of the Redevelopment Plan; and

WHEREAS, June 14, 1999, the Housing and Community Development Commission considered the Redevelopment Plan at a noticed meeting, and recommended approval of the Redevelopment Plan; and

WHEREAS, the City of Fresno ("City") and the Agency, co-lead agencies, prepared and circulated a Draft Program Environmental Impact Report (the "Draft EIR"), according to 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 Board

and Council pursuant thereto, and evaluates the environmental impacts of the Redevelopment Plan, and other redevelopment plans; and

WHEREAS, the Draft EIR was afterwards revised and supplemented to incorporate comments received, and responses to the comments, and as further revised and supplemented is the Final Program Environmental Impact Report No. 98-01 (the "Final EIR"); and

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

WHEREAS, June 22, 1999, the Council and the Agency Board held a joint public hearing on the Redevelopment Plan in the Council Chambers, 2600 Fresno Street, Fresno, California, to consider adopting the Redevelopment Plan and certifying the Final EIR; and

WHEREAS, a notice of the joint public hearing 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 before the date of the hearing; and a copy of the notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, a copy of the joint public hearing notice was mailed by first-class mail to the last known address of each assessee of land in the Project Area, shown on the last equalized assessment roll of the County, with a statement, to those assesses whose property will be subject to the Agency's potential acquisition by purchase or condemnation, concerning that possibility; and

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

WHEREAS, copies of the joint public hearing notice were mailed by first class mail to the governing body of each taxing entity that receives taxes from property in the proposed Project Area; and

WHEREAS, the Council has considered the Agency's Report, the Planning Commission's Report and Recommendation, the Housing and Community Development Commission's Report and Recommendation, the Redevelopment Plan, and the Final EIR;

WHEREAS, the Council has provided an opportunity for all persons to be heard, has received and considered all evidence and testimony presented for or against the Redevelopment Plan, and has adopted written findings responding to each written objection to the Redevelopment Plan from any affected taxing entity or property owner in the Project; and

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

WHEREAS the Council is authorized under Health and Safety Code Section 33359 to adopt the Redevelopment Plan with no further actions by the Agency;

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

SECTION 1. The Council's purpose and intent respecting the Project Area are to do the following: (a) eliminate blighting influences and correct environmental deficiencies in the Project Area, including, without limitation, small and irregular shaped lots, obsolete and aged building, unsafe and unhealthy buildings, vacant buildings and lots, depreciated property values and impaired investments, low lease rates, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities; (b) land assembly

into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation; (c) replanning, redesigning, and developing areas that are stagnant or improperly utilized; (d) providing opportunities for owner and tenant participation in revitalizing their properties; (e) strengthening commercial/mixed use, governmental and industrial operations and uses; (f) strengthening the economic base and by the installing needed site improvements that stimulate new commercial/mixed use, governmental, and industrial expansion, employment, and social and economic growth; (g) providing land for adequate parking; (h) establishing a positive visual image by implementing performance criteria that assures superior site design standards, environmental quality, conservation of and compatibility with historical buildings, if any, and other design elements that provide unity and integrity; (i) expanding, improving, and preserving the community's supply of housing available to low- and moderate-income persons and families, and (j) encouraging active and continuous participation owners and occupants in formulating, refining, and implementing the Redevelopment Plan, to ensure that Redevelopment Plan proposals are beneficial to the people who live and work in the Project Area, and the community.

SECTION 2. Having considered all the reports, information, evidence, and testimony before it, and in the record, the Council finds and determines that:

(a) The Project Area is a blighted area, and redeveloping the Project Area is necessary to carry out the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*) (hereafter referred to as the "Redevelopment Law"). This finding is based upon the following facts, as more particularly set forth in the Agency's Report:

- (1) The Project Area is predominantly urbanized.

(2) The Project Area suffers from a combination of physical and economic blighting conditions including, among others, the following: unsafe and unhealthy buildings; buildings of defective design or physical construction; buildings that are obsolete and aged, buildings with inadequate parking, buildings with poor or inadequate signage or fencing; buildings marked by graffiti, littered properties, and adjacent properties with incompatible uses; vacant buildings and lots; irregularly shaped lots of inadequate size for proper usefulness, and under multiple ownership; depreciated or stagnant property values and impaired investments; low lease rates; and high crime.

(3) The combination of the conditions referred to in paragraph (2), above, is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the Project Area to such an extent that it constitutes a serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(b) The Redevelopment Plan will redevelop the Project Area in conformity with the Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based on the fact that redeveloping the Project Area under the Redevelopment Plan will implement, the objectives of the Redevelopment Law by doing the following: (i) helping to eliminate and correct the blighting conditions; providing for planning, development, redesign, clearance, reconstruction, or rehabilitation of properties needing improvement; (ii) improving, increasing, and preserving the supply of low- and moderate-income housing in the community; (iii) providing additional employment opportunities; and (iv) providing for potentially higher economic land uses in the Project Area.

(c) Adopting and carrying out the Redevelopment Plan is economically sound and feasible. This finding is based on the following facts, more particularly set forth in the Agency's Report: (i) that the Redevelopment Plan will authorize the Agency to seek and use various financing resources including, without limitation, tax increments; (ii) that the nature and timing of public redevelopment assistance will depend on the amount and availability of financing resources including, without limitation, tax increments generated by new investment in the Project Area; and (iii) that under the Redevelopment Plan the Agency will not undertake any public redevelopment activity unless it can show that it has adequate revenue or funding to finance the activity.

(d) The Redevelopment Plan is consistent with the General Plan of the City of Fresno ("General Plan") including, without limitation, the housing element, which substantially complies with state housing law. This finding is based upon the Planning Commission's finding that the Redevelopment Plan is consistent with the General Plan.

(e) Carrying out of the Redevelopment Plan will promote the public peace, health, safety, and welfare of the City and will effectuate Redevelopment Law purposes and policy. This finding is based on the fact that redevelopment, under the Redevelopment Plan, will benefit the Project Area by correcting blighting conditions and by coordinating public and private actions to stimulate development and improve the physical and economic conditions in the Project Area.

(f) The condemnation of real property, provided for in the Redevelopment Plan, is necessary to execute the Redevelopment Plan, and adequate provisions have been made to pay for condemned property as provided by law. This finding is based on the need

to ensure that the Redevelopment Plan will be carried out and to prevent the recurrence of blight.

(g) The Agency has a feasible method and plan for relocating families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based on the Agency's relocation plan or method in the Agency's Report, and on the fact that the Redevelopment Plan provides for paying relocation assistance and benefits according to law, and authorizes the Agency to provide other assistance it determines appropriate under the circumstances.

(h) Decent, safe, and sanitary dwellings shall be provided in the Project or other areas, to such displaced families and persons, and the dwellings shall: (i) be in areas not generally less desirable than the area from which displaced, with regard to public utilities and public and commercial facilities, (ii) be available at rents or prices within the financial means of families and persons who may be displaced from the Project Area, (iii) be equal in number to the number of families and persons displaced, and (iv) available and reasonably accessible to the displaced families' and persons' places of employment. This finding is based on the fact that if any redevelopment activity under the Redevelopment plan causes residential displacement, no person or family will be required to move from a residence until suitable replacement housing is available.

(i) No families and persons shall be displaced before a relocation plan is prepared and adopted pursuant to Sections 33411 and 33411.1 of the Redevelopment Law; and no dwelling units, housing persons and families of low or moderate income, in the Project Area shall be removed or destroyed before a replacement housing plan is prepared and adopted pursuant to Sections 33334.5, 33413, and 33413.5 of the Redevelopment Law.

(j) All noncontiguous areas included in the Project Area are either blighted or necessary for effective redevelopment, and are not included for obtaining the allocation of taxes from the area under Redevelopment Law Section 33670, without other substantial justification for their inclusion. This finding is based on the following facts, as more particularly set forth in the Agency's Report:

(i) Each noncontiguous area is predominantly urbanized;

(ii) Each noncontiguous area suffers from a combination of one or more physical and economic blighting conditions described in the Agency's report including, among others, the following: unsafe and unhealthy buildings; buildings of defective design or physical construction; buildings that are obsolete and aged, buildings with inadequate parking, buildings with poor or inadequate signage or fencing; buildings marked by graffiti, littered properties, and adjacent properties with incompatible uses; vacant buildings and lots; irregularly shaped lots of inadequate size for proper usefulness, and under multiple ownership; depreciated or stagnant property values and impaired investments; low lease rates; and high crime.

(iii) The combination of the conditions referred to in paragraph (ii) above is so prevalent and substantial in each noncontiguous area that it causes a reduction of, or lack of, proper utilization of the Project Area to such an extent that it constitutes a serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(k) The inclusion of any lands, buildings, or improvements in the Project Area, which are not detrimental to the public health, safety, or welfare, is necessary for

effectively redeveloping the entire area of which the lands, buildings, or improvements are a part; and any area included is necessary for effective redevelopment and is not included to obtain the tax increment revenue allocation from the area under Redevelopment Law Section 33670 without other substantial justification for its inclusion. This finding is based on the fact that the boundaries of the Project Area were selected as a unified and consistent whole to include all properties contributing to or affected by the blighting conditions characterizing the Project Area.

(l) Private enterprise acting alone, without the aid and assistance of the Agency, could not reasonably be expected to eliminate blight and redevelop the Project Area. This finding is based on the following facts, more particularly set forth in the Agency's Report: (I) because of the higher costs and significant risks associated with developing blighted areas, individual developers are unable or unwilling to invest without substantial public assistance; and (ii) funds of other public sources and programs are insufficient to eliminate the blighting conditions.

(m) The Project Area is a predominantly urbanized area as defined in Redevelopment Law Section 33320.1(b). This finding is based on the following facts, as more particularly set forth in the Agency's Report, that at least 80 percent of the land in the Project Area either: (i) has been or is developed for urban uses; or (ii) is characterized by subdivided, irregularly shaped lots of inadequate size for proper usefulness and development, that are in multiple ownership; or (iii) is an integral part of an area developed for urban uses.

(n) The time limitations in the Redevelopment Plan, which are the maximum time limitations authorized under Redevelopment Law, are reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to

eliminate blight within the Project Area. This finding is based on the fact that redevelopment depends heavily on private market forces that are beyond the Agency's control, and shorter time limitations would impair the Agency's ability to be flexible in responding to market conditions, and would impair the Agency's ability to maintain development standards and controls over a period sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Project Area.

(o) The Plan limitation on total tax increments to be received by the Agency, if any, is reasonably related to the proposed projects proposed to be implemented in the Project Area, and to the Agency's ability to eliminate blight in the Project Area. This finding is based on the fact, more particularly set forth in the Agency's Report, that the limit, is consistent with the financial consultant's tax increment projections, recited in the Report to the City Council, and the comparative cash flow analysis of the anticipated costs to implement the Plan with the projected resources expected to be generated over the life of the Plan.

SECTION 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced and that, adequate temporary housing facilities, at rents comparable to those in the community when the displacement occurs, will be available to the displaced occupants pending the development of the housing facilities.

SECTION 4. To effectuate and implement the Redevelopment Plan, the Council must take certain official actions. Accordingly, the Council hereby does the following: (a) pledges to cooperate with the Agency in helping to carry out the Redevelopment Plan; (b) directs the various officials, departments, boards, and agencies of the City, having administrative

responsibilities in the Project Area, also to cooperate to such ends and to exercise their respective functions and powers consistent with the Redevelopment Plan; (c) stands ready to consider and to act appropriately on proposals and measures designed to effectuate the Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary for the City to carry out under the provisions of the Redevelopment Plan.

SECTION 5. The Council is satisfied that written responses have been prepared, and written findings have been adopted in response to each written objection received from affected taxing entities or property owners before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the Redevelopment Plan, the Council hereby overrules all written and oral objections to the Redevelopment Plan.

SECTION 6. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations concerning the Redevelopment Plan, as identified in the joint Council Resolution No. 99-195, and Agency Resolution 1545 adopted June 29, 1999, were based on consideration of the Final EIR and are incorporated and made a part of the proposed Redevelopment Plan.

SECTION 7. That certain document entitled "Redevelopment Plan for the Airport Area Revitalization Redevelopment Project," a copy of which is attached as Attachment 1, is incorporated herein by this reference, and is designated as the official Redevelopment Plan for the Airport Area Revitalization Redevelopment Project.

SECTION 8. The Development Department of the City, for at least two years after the effective date of this Ordinance, is directed to advise all applicants for building permits

within the Project Area that the site for which the permit is sought, is within a redevelopment project area.

SECTION 9. The City Clerk is directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 10. The City Clerk is hereby directed to record, with the County Recorder, a notice of the Council's approval and adoption of the Redevelopment Plan pursuant to this Ordinance, with a description of the land within the Project Area, and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Redevelopment Law.

SECTION 11. The City Clerk is directed to transmit a copy of the description and statement recorded pursuant to Section 11, above, a copy of this Ordinance, and a map or plat showing the boundaries of the Project Area, to the auditor and assessor of the County, to the governing body of each of the taxing entities that receive taxes from property in the Project Area, and to the State Board of Equalization within 30 days following adoption of this Ordinance.

SECTION 12. If any part of this Ordinance or the Redevelopment Plan, which it approves, is held invalid for any reason, the decision shall not affect the validity of the remaining parts of this Ordinance or of the Redevelopment Plan. The Council hereby declares that it would have adopted the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if the invalidated part had been omitted or deleted.

SECTION 13. This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Ordinance No. 29-44
Adopting the Airport Area
Revitalization Redevelopment Project (Ordinance A-2)
Page 14

Attachment 1: Redevelopment Plan for the Airport Area Revitalization Redevelopment
Project

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 29th day of June, 1999, by the following vote.

AYES: Boyajian, Bredefeld, Mathys, Perea, Ronquillo
NOES: Quintero, Steitz
ABSENT: NONE
ABSTAIN: NONE

Mayor Approval: N/A , 1999

Mayor Approval/No Return: N/A , 1999

Mayor Veto: 7/12 , 1999

Council Override Vote: 7/19 , 1999

REBECCA E. KLISCH,
City Clerk

By: Rebecca E. Klisch

APPROVED AS TO FORM:
HILDA CANTU MONTROY
City Attorney

By: Hilda Cantu Montroy
Deputy

**NOTICE OF ADOPTION OF REDEVELOPMENT PLAN FOR THE
AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT**

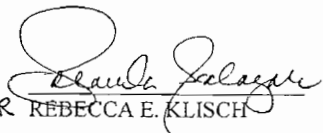
NOTICE IS HEREBY GIVEN that the City Council of the City of Fresno adopted Ordinance No. 99-44, on June 29, 1999, and voted to override the Mayor's veto of the ordinance on July 19, 1999, approving and adopting the Redevelopment Plan for the Airport Area Revitalization Redevelopment Project. The Ordinance will become effective thirty-one days after the override vote.

A legal description of the boundaries of the Project Area is included as Attachment No. 1 to the Airport Area Revitalization Redevelopment Plan, said redevelopment plan being Attachment 1 to Ordinance No. 99-44 and incorporated herein by reference.

Proceedings for the redevelopment of the Project Area have been instituted under the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.)

Filed for recordation with the County Recorder of Fresno County by order of the City Council of the City of Fresno, California.

Dated: August 10, 1999


FOR REBECCA E. KLISCH
City Clerk, City of Fresno

CLERK'S CERTIFICATION

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

On August 10th, 1999, before me, Jocelyne Gueret, personally appeared Yolanda Salazar, Asst. City Clerk for Rebecca Klisch, 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

99-44

**Plan A-2 (without merger, with a cap on tax increments, and
Alternative A Boundaries - with GAP properties)**

**REDEVELOPMENT PLAN
FOR THE
AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT**

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REDEVELOPMENT PLAN
FOR THE
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

I. [§100] INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the Airport Area Revitalization Redevelopment Project (the "Project") in the City of Fresno (the "City"), County of Fresno, State of California. It consists of the text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Land Use Map (Attachment No. 3), and the Proposed Public Improvements (Attachment No. 4). The Redevelopment Agency of the City of Fresno (the "Agency") has prepared this Plan under to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 through 34160)(referred to hereafter as the "Redevelopment Law"), the California Constitution, and all applicable local laws and ordinances.

The proposed redevelopment of the area within the boundaries of the Project (the "Project Area") as described in this Plan conforms to the General Plan for the City of Fresno, adopted by the City Council of the City of Fresno (the "City Council") by Resolution No. 84-470, on November 20, 1984, and any subsequently adopted amendments (the "General Plan").

This Plan is based on a Preliminary Plan that the Planning Commission of the City of Fresno (the "Planning Commission") approved by Resolution No. 11211, December 2, 1998, and then revised by Resolution No. 11225 on February 17, 1999, and then again revised by Resolution No. 11259, on April 7, 1999.

This Plan gives the Agency powers, duties, and obligations to implement and further the program, generally formulated in this Plan, for redeveloping, rehabilitating, and revitalizing the Project Area. Because the Plan is long-term, the Agency needs flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities as presented for redevelopment. Therefore, this Plan does not present a precise plan or establish specific projects for redeveloping, rehabilitating, and revitalizing any part of the Project Area. The Plan does not contain specific proposals to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed. This Plan provides tools to the Agency to fashion, develop, and proceed with specific plans, projects, and solutions.

The purposes of this Plan are to eliminate blight, reverse the trend of economic stagnation and ensure the realization of the Project Area's potential for development and growth. The major goals of this Plan are as follows:

A. To eliminate blighting influences and correct environmental deficiencies including, among others, small and irregular-shaped lots, obsolete buildings and aged buildings, vacant buildings and vacant lots, depreciated property values and impaired investments, low lease rates, high crime rates, incompatible and uneconomic land uses, and inadequate or

deteriorated public improvements, facilities, and utilities.

B. To assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.

C. To replan, redesign, and develop undeveloped and underdeveloped areas that are stagnant or improperly utilized.

D. To provide opportunities for owners and tenants to participate in revitalizing their properties.

E. To strengthen land uses and their interrelated functions.

F. To strengthen the economic base of the Project Area and the community by installing needed site improvements to stimulate development, business expansion, employment, and social and economic growth.

G. To provide adequate land for parking and open spaces.

H. To establish a positive visual image by implementing performance criteria to assure high site design standards, environmental quality, conserve historically important buildings, compatibility with historically important buildings, and other design elements that provide unity and integrity to the entire Project.

I. To expand, improve, and preserve the community's housing supply, for persons and families with low- and moderate-income, in the Project Area or, with appropriate findings, outside the Project Area.

J. To encourage Project Area occupants to participate in formulating, refining, and implementing this Plan, to ensure that Plan proposals are beneficial to the people who live and work in the Project Area, and to the community.

Below is a summary of adopted plans and policies of the City that are applicable to the Project Area and their conformity with this Plan:

A. General Plan

The General Plan was adopted in 1984 and contains the broad scale plans and policies and the overall framework for planning the Project Area.

B. Area Community Plan

The Roosevelt Area Community Plan adopted, by City Council Resolution No. 92-141, April 7, 1992, as amended, is designed to refine the goals expressed in the General Plan and serves as the land use concept and policy framework for part of the Project Area. The McLane Community Plan adopted by City Council Resolution No. 79-202, May 15, 1979, as amended, is designed to refine the goals expressed in the General Plan and serves as the land use concept and policy framework for part of the Project Area.

II. [§200] DESCRIPTION OF PROJECT AREA

The Project Area boundaries are described in Attachment No. 1, the "Legal Description of the Project Area Boundaries," and the boundaries are shown on Attachment No. 2, the "Project Area Map."

III. [§300] PROPOSED REDEVELOPMENT ACTIONS

A. [§301] General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

1. Acquiring certain real property and the assembling adequate sites for developing and constructing, residential, commercial, industrial and public facilities;
2. Demolishing or removing certain buildings and improvements;
3. Providing for participation by Project Area owners and tenants, and extending preferences to business occupants and other tenants wanting to remain or relocate in the redeveloped Project Area;
4. Managing any property the Agency acquires, owns, or controls;
5. Providing relocation assistance to displaced Project occupants;
6. Installing, constructing, or reconstructing streets, utilities, and other public improvements or facilities;
7. Disposing of property for uses permitted by this Plan;
8. Private and public land redevelopment in accordance with this Plan; and
9. Rehabilitating structures and improvements whether by present owners, their successors, or the Agency.

To accomplish the foregoing, and to implement and further the Plan, Agency may use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. [§302] Participation Opportunities; Extension of Preferences for Reentry in Redeveloped Project Area

1. [§303] Opportunities for Owners and Business Tenants

In accordance with this Plan, the Agency-adopted owner participation

rules, and subject to the Redevelopment Law, real property owners in the Project Area will be given a reasonable opportunity to participate in the Project Area redevelopment.

The Agency shall extend reasonable preferences to persons, who are engaged in business in the Project Area, to participate in Project Area redevelopment, or to reenter business in the redeveloped Project Area, if they meet the requirements prescribed in this Plan and the Agency-adopted business preference rules.

2. [§304] Rules for Participation Opportunities, Priorities, and Preferences

To provide opportunities to owners for participating in Project Area redevelopment, and to extend reasonable preferences to businesses for reentering business in the redeveloped Project Area, the Agency has promulgated rules. If conflicts develop between participants for particular sites or land uses, the Agency may establish reasonable priorities and preferences among the owners and business tenants. The Agency will consider the following factors, among others, in establishing priorities and preferences: (a) how long a participant has occupied property in the Project Area, (b) how to accommodate as many participants as possible, (c) the necessity to assemble sites for integrated, modern development, (d) whether a participant's proposal is consistent with the intent and objectives of this Plan, and (e) and how and whether the participant's proposal will serve the community.

In addition to opportunities for individual participation, participation shall be available for two or more persons, firms, or institutions joining in partnerships, corporations, or other joint entities.

Participation opportunities shall be subject to, and limited by, factors such as the following: (1) eliminating and changing land uses; 2) street construction, widening, or realignment, (3) participants' ability to finance acquisition, development, or rehabilitation in accordance with this Plan and Agency-adopted development criteria, (4) the reduction in the number of individual parcels in the Project Area, (5) the construction or expansion of public facilities, and (6) the Agency's property acquisition under Section 100 of this Plan, or under any other provision, statute, or local code authorizing the Agency to acquire property.

3. [§305] Participation Agreements

The Agency may require, as a condition to participating in redevelopment, that each participant enter a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, use, and maintain the property in conformance with, and subject to this Plan. Agreements shall require participants who retain real property to join recording any documents necessary to make this Plan to apply to their properties. Whether or not a participant enters a participation agreement with the Agency, this Plan is applicable to all public and private property in the Project Area.

If a participant does not rehabilitate, develop, and use and maintain its real property as provided in this Plan and a participation agreement, the Agency may acquire the real property or any interest therein. The Agency may then sell or lease the real property for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency, at its sole discretion, may determine that certain real property in the Project Area meets the requirements of this Plan, and may permit the owner to remain as a conforming owner without a participation agreement, provided the owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, the Agency may require the conforming owner to enter a participation agreement with the Agency if the owner wants to: (a) construct any additional improvements on, or substantially alter or modify existing structures on, any real property the Agency previously determined to be conforming, or (b) acquire additional property in the Project Area.

The Agency may acquire property, by eminent domain or otherwise, that it previously determined to be conforming, if: (a) acquiring the property will benefit the Project, or (b) acquiring the property is necessary to carry out the goals or objectives of the Plan, or for other public purposes. The Agency may acquire the property even if the conforming property owner has continued to operate, use and maintain the real property within the requirements of this Plan. Nonetheless, the Agency shall not acquire, by eminent domain, any "property on which any persons reside," as that term is defined in Section 309 of this Plan.

C. [§307] Cooperation with Public Bodies

State law authorizes certain public bodies to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of these public bodies and shall coordinate this Plan, to the extent possible, with the activities of public bodies to accomplish the purposes of redevelopment and the highest public good.

By law, the Agency may not acquire real property owned by public bodies without the consent of the public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if the public body is willing to enter a participation agreement with the Agency.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. As now or hereafter permitted by law, the Agency, financially and otherwise, may assist any public entity with the cost of public land, buildings, facilities, structures, or other improvements, in or outside the Project Area, if the land, buildings, facilities, structures, or other improvements will benefit the Project.

D. [§308] Property Acquisition

1. [§309] Real Property

Except as specifically exempted herein, the Agency may, but is not obligated to, acquire any real property in the Project Area by any means authorized by law.

The Agency's ability to use eminent domain to acquire property interests in the Project Area that it cannot acquire by gift, devise, exchange, purchase, or any other lawful means is in the public interest and is necessary to eliminate the conditions requiring

redemption, and necessary to execute this Plan. When the Agency cannot negotiate a purchase, the Agency, at its sole discretion, may acquire property by exercising its power of eminent domain. The Agency must begin any exercise of its eminent domain power within twelve years after the date that the ordinance adopting this Plan becomes effective.

The Agency may acquire structures without acquiring the land on which those structures are located. The Agency may acquire either the entire fee or any other interest in real property less than a fee.

The Agency may not acquire real property owned by any public body unless the public body consents to the acquisition. The Agency, however, may acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

Nonetheless, the Agency shall not acquire, by eminent domain, any property on which any persons reside. For purposes of this Plan, "property on which any persons reside" shall mean that a person lives on the property, and that the property is zoned for residential use, or that the residential use on the property is a legally non-conforming use, as defined by the City of Fresno Municipal Code.

2. [§310] Personal Property

Generally, the Agency shall not acquire personal property for Plan purposes. However, where necessary to carry out this Plan, the Agency may acquire personal property in the Project Area by any lawful means including, without limitation, eminent domain.

E. [§311] Property Management

While the Agency owns property, if any, in the Project Area, it shall manage and control the property. The Agency may rent or lease the property pending its disposition for redevelopment, and the rental or lease shall be in accordance with any policies the Agency may adopt.

F. [§312] Payments to Taxing Agencies to Alleviate Financial Burden

Section 33607.5 of the Redevelopment Law requires the Agency to and the Agency shall make payments to affected taxing entities to alleviate the financial burden and detriment that the affected taxing entities may incur because of the adoption of this Plan. The payments made by the Agency shall be calculated and paid in accordance with the requirements of Section 33607.5.

G. [§313] Relocation of Persons, Business Concerns, and Others Displaced by the Project

1. [§314] Assistance in Finding Other Locations

To the extent required by law, the Agency shall assist all persons, business concerns, and others displaced by the Project (collectively "displaced persons") in finding other locations and facilities. To carry out the Project with a minimum of hardship to displaced persons, the Agency shall assist displaced persons in finding new locations that are

decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for persons displaced from property on which they reside.

2. [§315] Relocation Payments

To the extent required by law, the Agency shall make relocation payments to displaced persons for moving expenses, direct losses of personal property, and for other relocation costs. Relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and Agency rules and regulations adopted pursuant thereto. The Agency may make other payments as appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

The Agency may demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [§318] Preparation of Building Sites

The Agency may prepare any property it owns as building sites. In connection with preparing any property as a building site, the Agency may cause or provide for the installation or construction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out this Plan. The Agency may also construct foundations, platforms, and other structural forms necessary for providing or utilizing air rights sites for buildings to be used for, commercial/mixed, industrial and public uses provided for in this Plan.

Before the Agency develops any sites for commercial or industrial use by providing streets, sidewalks, utilities, or other improvements, which an owner or operator of the site would otherwise be obliged to provide, it must obtain the consent of the City Council.

I. [§319] Property Disposition and Development

1. [§320] Real Property Disposition and Development

a. [§321] General

For Plan purposes, the Agency may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any real property interest. To the extent permitted by law, the Agency may dispose of real property interest by negotiated lease, sale, or transfer, without public bidding. If the Agency acquires property for rehabilitation and resale, it shall offer the property for resale within one year after completing the rehabilitation, or the Agency will publish an annual report concerning the property as required by law.

All persons purchasing or leasing property from the Agency shall use the property for the purposes designated in this Plan, shall begin and complete development of the property within a time that the Agency fixes as reasonable, and shall comply with other conditions that the Agency deems necessary to carry out the purposes of this Plan.

To ensure that works of redevelopment are carried out in accordance with this Plan and for its purposes, and to prevent the recurrence of blight, all real property that the Agency sells, leases, or conveys, and all property that is subject to any participation agreement with the Agency, shall be subject to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, and as the Agency may determine, the documents, or parts thereof, shall be recorded in the Official Records of Fresno County.

c. [§323] Development by the Agency

The Agency may also install and construct, or cause to be installed and constructed, in or outside the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities including,

without limitation, the following: (1) over- and underpasses; (2) sewers; (3) natural gas, electrical and telephone distribution systems; (4) water distribution systems; (5) parks, plazas, and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

The Agency may enter contracts, leases, and agreements with the City or any other public body or entity pursuant to this Section 323. The Agency's obligation under the contract, lease, or agreement shall constitute an Agency indebtedness. The indebtedness shall be payable out of the taxes levied in the Project Area and allocated to the Agency under Section 33670(b) of the Redevelopment Law, and Section 502 of this Plan, or out of any other available funds.

d. [§324] Development Plans

All development plans (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to City design review standards.

2. [§325] Personal Property Disposition

For Plan purposes, the Agency may lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that it acquires.

J. [§326] Rehabilitation, Conservation, and Moving of Structures

1. [§327] Rehabilitation and Conservation

The Agency may rehabilitate and conserve any building or structure that it owns in the Project Area. The Agency will advise, encourage, and assist in rehabilitating and conserving property in the Project Area that it does not own. The Agency may also acquire, restore, rehabilitate, move, and conserve building or structures of historic or architectural significance.

2. [§328] Moving of Structures

As necessary in carrying out this Plan, the Agency may move any standard structure or building, or any structure or building that can be rehabilitated, to a location in or outside the Project Area.

K. [§329] Low- and Moderate-Income Housing

1. [§330] Replacement Housing

In accordance with Section 33334.5 of the Redevelopment Law, whenever dwelling units, housing persons and families of low or moderate income, are destroyed or removed from the low and moderate income housing market as part of the Project, the Agency, within four years of the destruction or removal, shall rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs in the Project Area or in the territorial jurisdiction of the

Agency in accordance with Sections 33413 and 33413.5 of the Redevelopment Law.

2. [§331] Inclusionary Housing

When new or rehabilitated dwelling units are developed by the Agency or by other public or private persons in the Project Area, the Agency shall comply with the inclusionary housing requirements set forth in Section 33413 (in particular, subdivision (b) of that section) of the Redevelopment Law.

3. [§332] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Redevelopment Law, the Agency shall use not less than 20 percent of all taxes that are allocated to the Agency pursuant to Section 33670 of the Redevelopment Law and Section 502 of this Plan, to increase, improve, and preserve the City's supply of housing for persons and families of very low, low, or moderate income unless certain findings are made as required by that section to lessen or exempt the requirement. In carrying out this purpose, the Agency may exercise any or all of its powers.

The Agency may use these funds to meet, in whole or in part, the replacement housing requirements in Section 330, above, or the inclusionary housing requirements in Section 331, above. The Agency may use these funds in or outside the Project Area. To use the funds outside the Project Area, however, requires findings of benefit to the Project as required by Section 33334.2 of the Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by the Low and Moderate Income Housing Fund shall accrue to the Fund.

IV. [§400] USES PERMITTED IN THE PROJECT AREA

A. [§401] Redevelopment Land Use Map

The "Redevelopment Land Use Map" (Attachment No. 3) illustrates the Project Area boundaries, major streets in the Project Area, and the proposed land uses to be permitted in the Project Area for all land, public, semi-public and private. Permitted land uses in the Project Area shall be those set forth from time to time in the General Plan.

B. [§402] Designated Land Uses

1. [§403] Residential Uses

The areas shown on the Redevelopment Land Use Map for residential uses shall be used for the permitted residential uses set forth in the General Plan.

2. [§404] Commercial and Industrial Uses

The areas shown on the Redevelopment Land Use Map for commercial and industrial uses shall be used for the commercial and industrial uses set forth in the

General Plan.

3. [\$405] Public Uses

The areas shown on the Redevelopment Land Use Map for public uses shall be used for any public use including, without limitation, government facilities, parks, open space, and parking uses, set forth in the General Plan.

C. [\$406] Other Land Uses

1. [\$407] Public Rights-of-Way

Major public rights of way illustrated on the Redevelopment Land Use Map include existing and proposed freeways, arterial and collector streets and railroad rights-of-way, as set forth in the General Plan.

Additional public streets, alleys, easements and railroad rights-of-way may be created in the Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, or modified as necessary for proper development of the Project.

2. [\$408] Other Public, Semi-Public, Institutional, and Nonprofit Uses

In any area shown on the Redevelopment Land Use Map, the Agency may permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way, and facilities of other similar associations or organizations. All such uses, to the extent possible, shall conform to this Plan and the General Plan. The Agency may impose other reasonable requirements and/or restrictions as necessary to protect the development and use of the Project Area.

3. [\$409] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building that is in good condition though the use does not conform to this Plan, if the use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of the nonconforming use property must be willing to enter a participation agreement and agree to the imposition of reasonable restrictions as necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses that do not conform to this Plan if the improvements are in a part of the Project where, in the Agency's determination, the improvements will be compatible with surrounding Project uses and development.

D. [\$410] General Controls and Limitations

All real property in the Project Area is made subject to the controls and

requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date this Plan is adopted, except in conformance with this Plan.

1. [§411] Construction

All construction in the Project Area shall comply with the controls and requirements of this Plan, and with all applicable state and local laws and codes including, without limitation, any specific or community plans. Compliance with this Plan does not eliminate the need to comply with the City's planning and zoning requirements. In addition, the Agency may adopt specific performance and development standards to control and direct redevelopment activities in the Project Area.

2. [§412] Rehabilitation and Retention of Properties

Any existing structure in the Project Area that the Agency approves for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated so that it is safe and sound in all physical respects, is attractive, and not detrimental to the surrounding uses.

3. [§413] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under the General Plan.

4. [§414] Number of Dwelling Units

The number of dwelling units permitted in the Project Area shall not exceed the number of dwelling units permitted under the General Plan.

5. [§415] Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

6. [§416] Open Spaces, Landscaping, Light, Air, and Privacy

The open space to be provided in the Project Area includes the areas in the public rights-of-way, the public ground, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air, and privacy consistent with the General Plan.

7. [§417] Signs

All signs shall conform to City sign ordinances, they now exist or hereafter exist. Before installation, the design of proposed new signs shall be submitted to the

Agency and/or the City for review and approval.

8. [§418] Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

9. [§419] Incompatible Uses

No use or structure that the Agency determines would be incompatible with the surrounding areas or structures, due to appearance, traffic, smoke, glare, noise, odor, or similar factors, shall be permitted in the Project Area.

10. [§420] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based on race, color, creed, religion, sex, marital status, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

11. [§421] Subdivision of Parcels

No parcel in the Project Area, including any parcel retained by a participant, shall be subdivided without the approval of the Agency.

12. [§422] Minor Variations

Under exceptional circumstances, the Agency's Executive Director ("Executive Director") may permit a minor variation from the limits, restrictions, and controls of this Plan. To permit a variation, the Executive Director must find all of the following:

- a. The application of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this Plan;
- b. Exceptional circumstances or conditions applicable to the property or to the intended development of the property exist that do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan.

The Executive Director shall not grant any variation that changes a basic land use or that permits other than a minor departure from this Plan. In permitting any variation, the Executive Director shall impose conditions as necessary to protect the public

peace, health, safety, or welfare, and to assure compliance with Plan purposes. Any variation permitted by the Executive Director shall not supersede any other approval required under City codes and ordinances.

Within 15 calendar days after a notice is published pursuant to Section 12-401-C of the Fresno Municipal Code, of the Executive Director's decision, the decision may be appealed to the Housing and Community Development Commission. Any further appeal to the Executive Director's decision shall be pursuant to the procedures of the Fresno Municipal Code.

E. [\$423] Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency may establish building heights, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas in the Project Area.

No new improvement may be constructed, and no existing improvement may be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan and any Agency adopted development and design controls. New improvements to property that is subject to a disposition and development or participation agreement with the Agency, and any other property at the Agency's discretion, shall also be constructed according to the architectural, landscape, and site plans submitted to and approved in writing by the Agency. A Plan objective is to create an attractive and pleasant environment in the Project Area. Therefore, the architectural, landscape, and site plans, will consider good design, open space, and other amenities that enhance the aesthetic quality of the Project Area. The Agency will not approve any plans that do not comply with this Plan.

In addition, as specified in Section 411 of this Plan, new improvements shall comply with applicable state and local laws and codes including, without limitation, specific and community plans.

F. [\$424] Building Permits

After this Plan is adopted, no permit may be issued for the construction of any new building or for any construction on an existing building in the Project Area until the Agency approves the application for the permit as consistent with this Plan, and the permit is processed according to all City requirements including, without limitation, consistency with specific and community plans.

The Agency may establish permit procedures and approval requirements in addition to those set forth above as required for the Plan purposes. If the Agency establishes additional procedures and approval requirements, a building permit may be issued only after the applicant has received all approvals that the City and Agency require when the applicant applies for the permit.

V. [\$500] METHODS OF FINANCING THE PROJECT

A. [\$501] General Description of the Proposed Financing Method

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The Agency may finance this Project with financial assistance from the City, the State of California, the federal government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private.

The Agency may obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The Agency may pay or provide for the payment of the principal and interest on the advances, funds, and indebtedness from tax increments or any other funds available to the Agency. The City may provide advances and loans for survey and planning, and for operating capital for nominal administration of this Project until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [\$502] Tax Increment Funds

All taxes levied on taxable property in the Project Area each year, by or for the benefit of the State of California, the County of Fresno, the City, any district, or any other public corporation (after this sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate on which the tax is levied each year by or for each of the taxing agencies on the total sum of the assessed value of the taxable property in the Project as shown on the assessment roll used in connection with the taxation of such property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of the ordinance but to which the territory is annexed or otherwise included after the effective date, the assessment roll of the County of Fresno, last equalized on the effective date of the ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on the effective date).
2. Except as provided in subparagraph 3, below, that portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the

Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subparagraph 1 hereof, all of the taxes levied and collected on the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes on the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount identified in subparagraph 1, above, which are attributable to a tax rate levied by a taxing agency which was approved by the voters of the taxing agency on or after January 1, 1989, for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

The portion of taxes mentioned in subparagraph 2, above, is irrevocably pledged for the paying the principal of, and interest on, the advance of moneys, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency may pledge the taxes to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subparagraph 2 above which can be outstanding at any one time shall not exceed \$33,000,000.

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond 20 years from the date this Plan is adopted. Loans, advances, or indebtedness may be repaid over a period of time beyond the 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 to fulfill the Agency's housing obligations under Section 33413 of the 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 set forth immediately below in this Section 502.

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 Redevelopment Law and this Section 502, beyond 45 years from the date this Plan is adopted.

C. [§503] Bonds, Loans, and Grants

The Agency may issue bonds when it deems it appropriate to do so in financing

any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds because of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and the bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be used if available.

VI. [§600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan. The City shall take all actions necessary to ensure the continued fulfillment of the Plan Purposes and to prevent the recurrence or spread of blighting conditions in the Project Area. Actions by the City shall include, without limitation, the following:

- A. Instituting and completing proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. City action shall include requiring public utility companies to abandon, remove, and relocate their operations in public rights-of-way as appropriate to carry out this Plan. However, nothing in this Plan shall be construed to require the cost of any abandonment, removal, and relocation to be borne by others than those legally required to bear the cost.
- B. Providing advances, loans, or grants to the Agency or funds for projects implementing this Plan as the City deems appropriate and to the extent funds are available therefor.
- C. Instituting and completing proceedings necessary for changes and improvements to private and publicly owned public utilities in or affecting the Project Area.
- D. Revising zoning, if necessary, in the Project Area to permit the land uses and development authorized by this Plan.
- E. Imposing when necessary, by conditional use permits or other means, appropriate controls within the Plan limits on Project Area parcels to ensure their proper development and use.
- F. Providing for the City's administrative enforcement of this Plan after development. The City and the Agency shall develop and provide for enforcement of a program for continued owner maintenance of all real property, public and private, in the Project Area.
- G. Preserving historical sites.

- H. Performing the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule that permits the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- I. Undertaking and completing any other proceedings necessary to carry out the Project.

These City actions do not involve or constitute any commitment of the City's financial resources unless the City specifically agrees to and authorizes a commitment.

VII. [§700] ENFORCEMENT

The Agency and/or the City will administer and enforce this Plan including, without limitation, preparing and executing any documents implementing this Plan.

The Agency or the City may also institute court litigation to enforce this Plan or other documents entered pursuant to this Plan. Remedies may include, without limitation, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the Plan purposes. In addition, owners may enforce any recorded provisions that are expressly for the benefit of property owners.

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions that shall run in perpetuity, this Plan shall be effective, and other documents formulated pursuant to this Plan may be effective, for 30 years from the date the City Council adopts this Plan. However, subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan that extend beyond the termination date. If the Agency issues bonds or incurs obligations that extend beyond the termination date, this Plan shall continue in effect to the extent necessary to permit the bonds or other obligations to be paid in full. After 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 Redevelopment Law. If the Agency has not completed its housing obligations, the Agency shall retain its authority to implement requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete its housing obligations as soon as reasonably possible.

IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by following the procedure established in Sections 33354.6 and/or 33450 through 33458 of the Redevelopment Law or by any other procedure hereafter established by law.

X. [§1000]

The allocation to the Agency of taxes described in §502, subparagraph 2, above, after deducting the statutory pass through payments to all taxing agencies, and after deducting any

statutory administrative fee to the County of Fresno, shall not exceed \$40,000,000.

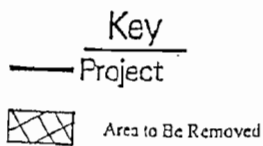
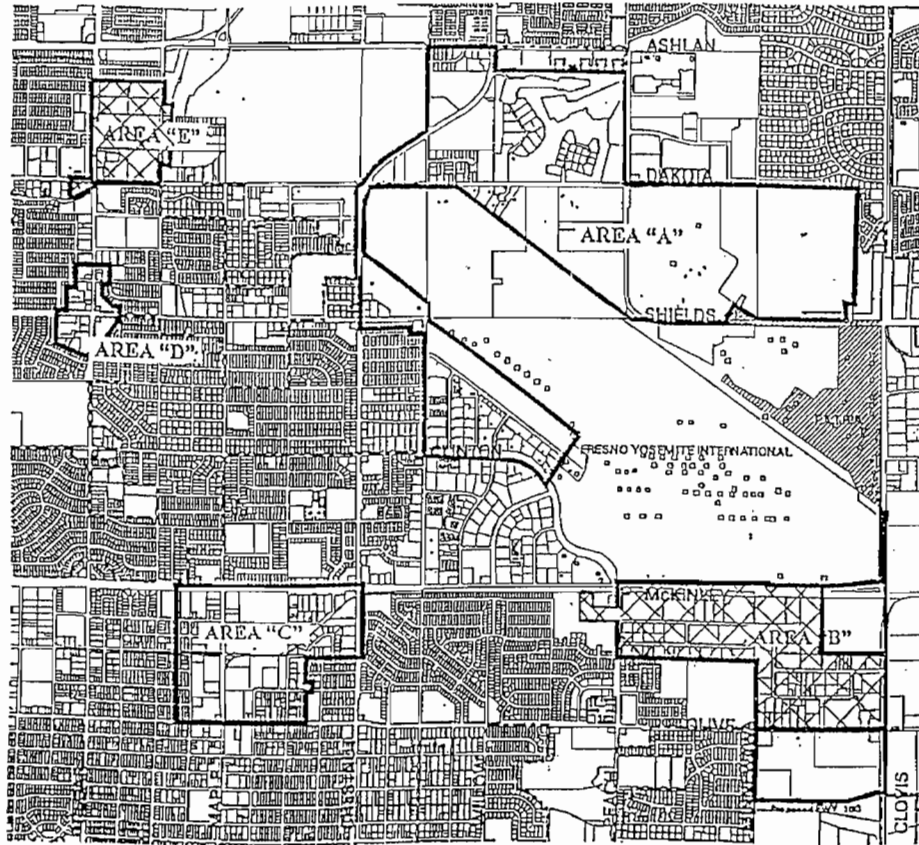
ATTACHMENT NO. 1

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES
ALTERNATIVE A BOUNDARIES (WITH ALL GAP PROPERTIES)

The boundaries of the Airport Area Revitalization Redevelopment Project are described as follows:

ATTACHMENT "A"

Airport Area Revitalization
Redevelopment Project Area



AREA "A"

That portion of Sections 18, 19, 20 and 30, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

Beginning at the intersection of the north right-of-way line of East Ashlan Avenue and the northerly production of the west right-of-way line of North Winery Avenue; thence easterly, along the north right-of-way line of said East Ashlan Avenue and its westerly production, to the northerly production of the west line of Parcel B of Parcel Map No. 77-30, recorded in Book 26, Page 38 of Parcel Maps, Fresno County Records; thence southerly, along the northerly production of the west line of said Parcel B, to the northwest corner of said Parcel B; thence South 00°04'45" East, along the west line of said Parcel B, a distance of 404.33 feet, to the southwest corner of said Parcel B; thence South 88°28'15" East, along the south line of said Parcel B, a distance of 375.75 feet; thence South 89°24'45" East, along the south lines of said Parcel B and Parcel A of said Parcel Map No. 77-30, a distance of 530.00 feet; thence South 89°22'25" East, along the south line of said Parcel A, a distance of 273.46 feet, to the most southeasterly corner of said Parcel A, said corner also being the most southwesterly corner of Lot 73 of Tract No. 2248, Palm Lakes (Planned Unit Development), recorded in Book 26, Page 42 of Plats; thence South 89°22'25" East, along the south line of said Lot 73, a distance of 778.04 feet, to the most southeasterly corner of said Lot 73, said corner being also the most southwesterly corner of Lot 65 of Tract No. 2358, Palm Lakes No. 2 (Planned Unit Development), recorded in Book 27, Page 54 of Plats; thence South 89°22'25" East, along the south line of said Lot 65, a distance of 135.01 feet; thence South 89°47' East, continuing along the south line of said Lot 65, a distance of 505.00 feet, to the southeast corner of said Lot 65, said corner being the intersection of the south line of said Lot 65 and the westerly right-of-way line of North Peach Avenue; thence southerly, along the west right-of-way line of said North Peach Avenue and its southerly production, to the westerly production of the south right-of-way line of East Dakota Avenue; thence easterly, along the westerly production of the south right-of-way line of said East Dakota Avenue, to the northwest corner of the City of Fresno F.A.T. Expansion, said corner being the intersection of the south right-of-way of said East Dakota Avenue and the east right-of-way line of said North Peach Avenue; thence easterly, along the south line of said East Dakota Avenue and the north line of said F.A.T. Expansion, to the northeast corner of said F.A.T. Expansion, said corner also being the most northwesterly corner of the Gap Inc. Property, recorded September 30, 1997, as document No. 97129284, Fresno County Records; thence North 89°50'22" East, along the south right-of-way line of said East Dakota Avenue, a distance of 12.15 feet, to a point on the east right-of-way line of Lind Avenue; thence North 00°03'11" East, along the east line of said Lind Avenue, a distance of 32.00 feet, to the north line of the southeast quarter of said Section 20; thence North 89°50'22" East, along the north line of the southeast quarter of said Section 20, a distance of 532.34 feet, to the center quarter corner of said Section 20; thence North 89°49'29" East, continuing along the north line of the southeast quarter of said Section 20, a distance of 1980.17 feet, to the northeast corner of the west half of the east half of the southeast

quarter of said Section 20; thence South 00°06'15" West, along the east line of the west half of the east half of the southeast quarter of said Section 20, a distance of 2199.11 feet; thence South 89°57'05" West, a distance of 140.00 feet; thence South 00°06'15" West, a distance of 395.00 feet, to a point on the north right-of-way line of East Airways Boulevard; thence South 89°57'05" West, along the north line of said East Airways Boulevard, a distance of 504.83 feet, to a point on the easterly right-of-way line of DeWitt Avenue; thence along the easterly, northerly and westerly right-of-way lines of said DeWitt Avenue, the following five (5) courses, North 45°02'55" West, a distance of 24.81 feet; North 00°02'55" West, a distance of 32.46 feet; thence South 89°57'05" West, a distance of 64.00 feet; thence South 00°02'55" East, a distance of 31.46 feet; thence South 44°57'05" West, a distance of 26.22 feet, to a point on the north right-of-way line of said East Airways Boulevard; thence South 89°57'05" West, along the north right-of-way line of said East Airways Boulevard, a distance of 1058.16 feet; thence, along the northeasterly right-of-way line of said East Airways Boulevard, the following two (2) courses, westerly and northwesterly along a tangent curve, concave to the northeast, a radius of 743.00 feet, through a central angle of 35°12'52", an arc length of 456.65 feet; thence North 54°50'04" West, a distance of 90.70 feet, to the intersection of the northeasterly right-of-way line of said East Airways Boulevard and the southeasterly right-of-way line of Leyte Avenue; thence North 54°50'04" west, continuing along the northeasterly right-of-way line of said East Airways Boulevard, to the intersection of the northeasterly right-of-way line of said East Airways Boulevard and the northwesterly right-of-way line of said Leyte Avenue; thence southeasterly, along the boundary of said F.A.T. Expansion, to the north right-of-way line of East Airport Boulevard; thence westerly, along the north right-of-way line of said East Airport Boulevard, to the southeasterly production of the southwesterly lines of Parcels A, B, D and E of Parcel Map No. 86-42, recorded in Book 46, Page 38 of Parcel Maps, Fresno County Records; thence northwesterly, along the southeasterly production of the southwesterly lines of said Parcels A, B, D and E, to the intersection of the southwesterly line of said Parcel A and the south right-of-way line of said East Dakota Avenue, said intersection also being the northwest corner of said Parcel A; thence westerly, along the south right-of-way line of said East Dakota Avenue, to the east right-of-way line of North Chestnut Avenue; thence southeasterly and southerly, along the east right-of-way line of said North Chestnut Avenue, along the arc of a non-tangent curve, concave to the southeast, a radius of 1096.24 feet; thence southerly, continuing along the east right-of-way line of said North Chestnut Avenue, to the easterly production of the south right-of-way line of East Dayton Avenue; thence South 45°00'00" East, to the southerly production of the centerline of said North Winery Avenue; thence southerly, along the southerly production of the centerline of said North Winery Avenue, to the north right-of-way line of said East Shields Avenue; thence South 45°00'00" East, to the northeasterly production of the southeasterly right-of-way line of North Ashley Avenue; thence southwesterly, along the southeasterly right-of-way line of said North Ashley Avenue, to the southwesterly right-of-way line of East Clinton Avenue; thence northwesterly and westerly, along the southwesterly and southerly right-of-way line of said East Clinton Avenue and its westerly production, to the west right-of-way line of said North Winery Avenue; thence northerly, along the westerly right-of-way line of said North Winery Avenue and its northerly production, to the south right-of-way line of East Simpson Avenue; said point being the northeast corner of Lot 25 of Tract No. 1314, Scandinavian Terrace No. 2, recorded in Book 16, Page 39 of Plats, Fresno County Records; thence westerly, along the south right-of-way line said East Simpson Avenue, to

the southerly production of the west line of Lot 154 of said Tract No. 1314, thence northerly, along the southerly production of the east line of said Lot 154, to the northeast corner of said Lot 154; thence westerly, along the north line of said Lot 154 and Lots 12 thru 24 of said Tract No. 1314 and their westerly production, to the centerline of said North Chestnut Avenue; thence northerly, along the centerline of said North Chestnut Avenue, to a point 150.00 feet north of the southeast corner of Lot 72 of a map called Scandinavian Colony, recorded in Book 2, Page 3 of Plats; thence westerly, a distance of 50.00 feet, to a point on the west right-of-way line of said North Chestnut Avenue; thence northerly, along the west right-of-way line of said North Chestnut Avenue, to the north right-of-way line of said East Dakota Avenue; thence easterly, along the north right-of-way line of said East Dakota Avenue, to the northwesterly right-of-way line of Chestnut Diagonal; thence northeasterly, along the northwesterly right-of-way line of said Chestnut Diagonal, to the west right-of-way line of said North Winery Avenue; thence northerly, along the west right-of-way line of said North Winery Avenue and its northerly production, to the Point of Beginning.

Containing an area of 752 acres, more or less.

AREA "B"

That portion of Section 31, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

Beginning at the intersection of the east right-of-way line of North Clovis Avenue and the north right-of-way line of East McKinley Avenue; thence southerly, along the east right-of-way line of said North Clovis Avenue and its southerly production, to the northeasterly production of the south line of Parcel A of Parcel Map No. 80-01, recorded in Book 35, Pages 58 and 59 of Parcel Maps, Fresno County Records; thence South 74°53'03" West, along the south line of said Parcel A, a distance of 711.48 feet; thence North 89°24'21" West, continuing along the south line of said Parcel A, a distance of 1105.06 feet, to the most southwesterly corner of said Parcel A, said corner also being the southeast corner of the Fresno Metropolitan Flood Control District (FMFCD) property; thence North 89°24'21" West, a distance of 704.84 feet, to the southwest corner of said FMFCD property, said corner being the intersection of the south line of said FMFCD property and the east right-of-way line of North Minnewawa Avenue; thence northerly, along the east right-of-way line of said North Minnewawa Avenue, to the northerly right-of-way line of East Olive Avenue; thence easterly along the northerly right-of-way line of East Olive Avenue to the westerly right-of-way line of North Clovis Avenue; thence northerly along the westerly right-of-way line of North Clovis Avenue to a point 325.45 feet north of the northerly right-of-way line of East Lamona Avenue; thence North 89°59'21" West a distance of 1207.00 feet; thence North 00°26'11" West to the northerly right-of-way line of East McKinley Avenue; thence easterly along the northerly right-of-way line of East McKinley Avenue to the Point of Beginning.

Containing an area of 131 acres, more or less.

AREA "C"

That portion of Sections 25 and 36, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

Beginning at the intersection of the north right-of-way line of East McKinley Avenue and the east right-of-way line of North Chestnut Avenue, said point of intersection being located approximately 25 feet, more or less, East of, and approximately 40 feet, more or less, North of the northeast corner of said Section 36; thence southerly, along the east right-of-way line of North Chestnut Avenue and its northerly production, to the westerly production of the north line of Lots 71 thru 75 of Tract No. 1778, Weathermaker Homes, recorded in Book 20, Page 11 of Plats, Fresno County Records; thence easterly, along the westerly production of the north line of said Lots 71 thru 75, a distance of 130 feet, more or less, to the northwest corner of said Lot 75, said corner being the intersection of the north line of said Lots 71 thru 75 and the east line of North Chestnut Avenue; thence southerly along the east right-of-way of North Chestnut Avenue and its northerly production, to the easterly production of the south right-of-way line of East Floradora Avenue; thence westerly, along the south right-of-way line of East Floradora Avenue and its easterly production, to the northwest corner of Lot 3 of a map called Easy Acres, recorded in Book 13, Page 12 of Plats, Fresno County Records; thence southerly, along the westerly lines of said Lot 3 and Lot 4 of said map called Easy Acres, to the southwest corner of said Lot 4, said corner being the intersection of the west line of said Lot 4 and the north right-of-way line of East Lamona Avenue; thence westerly, southerly and easterly along a non-tangent curve, concave to the East, a radius of 30.00 feet, to the northwest corner of Lot 9 of said map called Easy Acres, said corner being the intersection of the west line of said Lot 9 and the south right-of-way line of East Lamona Avenue; thence southerly, along the westerly line of said Lot 9, to the southwest corner of said Lot 9; thence easterly, along the south line of said Lot 9, to the southeast corner of said Lot 9, said corner also being the northeast corner of Lot 10 of said map called Easy Acres; thence southerly, along the west line of said Lot 10 and its southerly production, to the south right-of-way line of East Hedges Avenue; thence westerly, along the south line of East Hedges Avenue, to the northwest corner of Lot 10 of Barton Tract Subdivision No. 1, recorded in Book 11, Page 14 of Plats, Fresno County Records; thence southerly, along the west line of said Lot 10, to the southwest corner of said Lot 10, said corner being the intersection of the west line of said Lot 10 and the north right-of-way line of East Olive Avenue; thence westerly, along the north right-of-way line of East Olive Avenue and its westerly production, to the easterly right-of-way line of State Highway 168; thence northerly, along the east right-of-way line of said State Highway 168 and its northerly production, to the northerly right-of-way line of said East McKinley Avenue; thence easterly, along the north line of said East McKinley Avenue and its easterly production, to the east right-of-way line of North Jackson Avenue; thence southerly, along the easterly right-of-way line of said North Jackson Avenue, to the north line of said East McKinley Avenue; thence easterly, along the north right-of-way line of said East McKinley Avenue and its easterly production, to the point of beginning.

Containing an area of 201 acres, more or less.

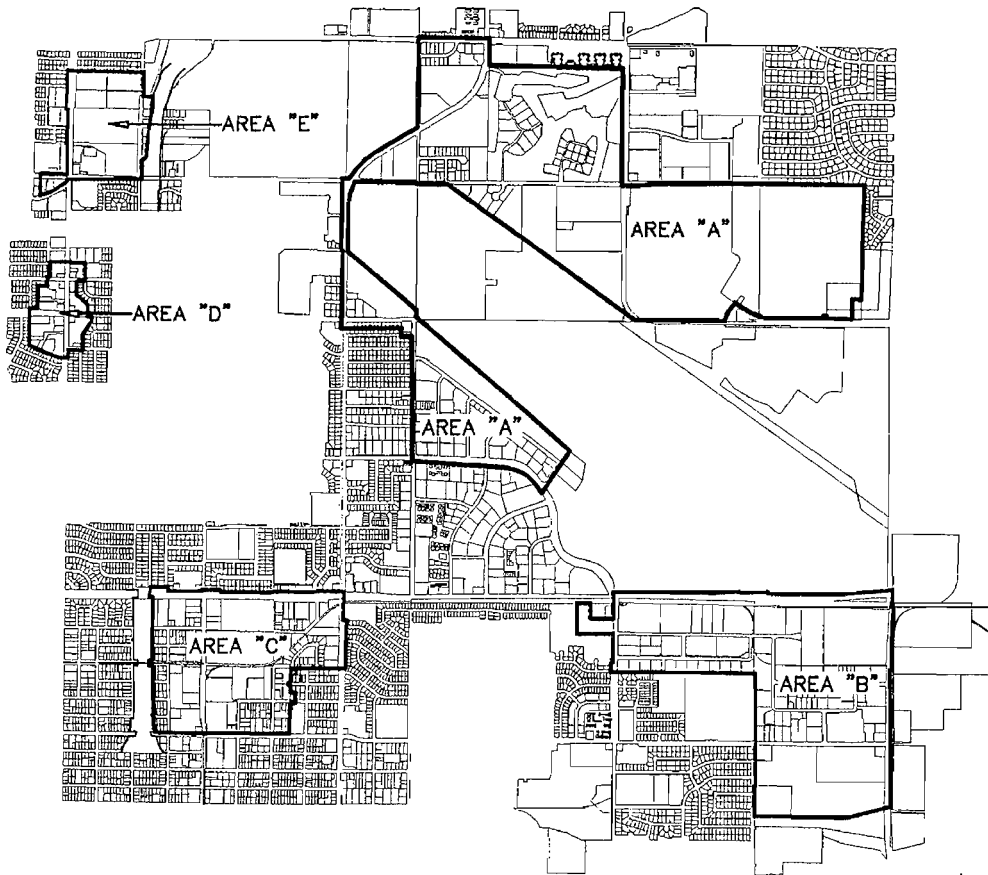
AREA "D"

That portion of Sections 23, 24, 25 and 26, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

Beginning at the southeast corner of Parcel B of Parcel Map No. 68-10, recorded in Book 2, Page 62 of Parcel Maps, Fresno County Records; thence southerly, along the southerly production of the east line of said Parcel B, to the easterly production of the south right-of-way line of East Fountain Avenue; thence westerly, along the easterly production of the south right-of-way of said East Fountain Avenue, to the northwest corner of Lot 9 of Tract No. 1265, Cedar Heights, recorded in Book 16, Page 2 of Plats, Fresno County Records; thence southerly, along the west lines of said Lot 9 and Lots 6 thru 8 of said Tract No. 1265, a distance of 250.00 feet; thence southeasterly along the southwesterly lines of said Lot 6 and Lots 5, 38 and 39 of said Tract No. 1265, to the northwest corner of Lot 66 of said Tract No. 1265; thence southerly, along the west line of said Lot 66 and its southerly production, to the south right-of-way line of East Shields Avenue; thence easterly, along the south right-of-way line of said East Shields Avenue, to the northwest corner of Lot 1 of Tract No. 1241, recorded in Book 15, Page 78 of Plats, Fresno County Records; thence southerly, along the west line of said Lot 1, a distance of 80.00 feet; thence southwesterly, along the northwesterly lines of said Lot 1 and Lots 5 and 6 of said Tract No. 1241, to the southeast corner of said Lot 6, said corner also being the northwest corner of Lot 7 of said Tract No. 1241; thence southerly, along the west lines of said Lot 7 and Lots 8 and 9 of said Tract No. 1241 and their southerly production, to the south right-of-way of East Cornell Avenue; thence westerly, along the south right-of-way of said East Cornell Avenue, to the easterly right-of-way line of North Cedar Avenue, said intersection also being the northwest corner of Lot 90 of Tract No. 1259, Crestview, recorded in Book 15, Page 93 of Plats, Fresno County Records; thence southerly, along the east right-of-way line of said North Cedar Avenue, to the easterly production of the north line of Lot 287 of Tract No. 1450, Headliner Homes No. 2, recorded in Book 17, Pages 44 and 45 of Plats, Fresno County Records; thence westerly, along the easterly production of the north line of said Lot 287, to the northwest corner of said Lot 287, said corner also being the northeast corner of Lot 286 of said Tract No. 1450; thence northwesterly, along the northeasterly lines of said Lot 286 and Lots 277 thru 285 of said Tract No. 1450, to the northwest corner of said Lot 277, said corner also being the southeast corner of Lot 274 of said Tract No. 1450; thence northerly, along the east lines of said Lot 274 and Lots 267 thru 273 of said Tract No. 1450 and their northerly production, to the north right-of-way line of said East Shields Avenue and its westerly production; thence easterly, along said East Shields Avenue and its westerly production, to the southeast corner of Lot 81 of Tract No. 1399, Cedar Knolls No. 2, recorded in Book 17, Page 38 of Plats, Fresno County Records; thence northerly, along the east lines of said Lot 81 and Lots 82 thru 87 of said Tract No. 1399, to the most easterly corner of said Lot 87, said corner also being the most southerly corner of Lot 89 of said Tract No. 1399; thence easterly, along the south lines of said Lot 89 and Lots 90 and 91 of said Tract No. 1399, to the southeast corner of said Lot 91; thence northerly, along the east line of

said Lot 91 and its northerly production, to the north right-of-way line of said East Fountain Way and its westerly production; thence easterly, along the westerly production of the north right-of-way line of said East Fountain Way, to the east right-of-way line of North Eleventh Street, said point also being the southwest corner of Lot 25 of a map called National Colony, recorded in Book 1, Page 38 of Record of Surveys, Fresno County Records; thence northerly, along the east right-of-way of said North Eleventh Street, a distance of 298.00 feet; thence easterly, along a line parallel with and 298.00 feet North of the north right-of-way line of said East Fountain Way, to the east right-of-way line of said North Cedar Avenue; thence southerly, along the east right-of-way line of said North Cedar Avenue, to the southwest corner of Parcel A of said Parcel Map No. 68-10; thence easterly, along the south lines of said Parcel A and Parcel B of said Parcel Map No. 68-10, to the Point of Beginning.

Containing an area of 35 acres, more or less.



MASTER KEY MAP

NO SCALE

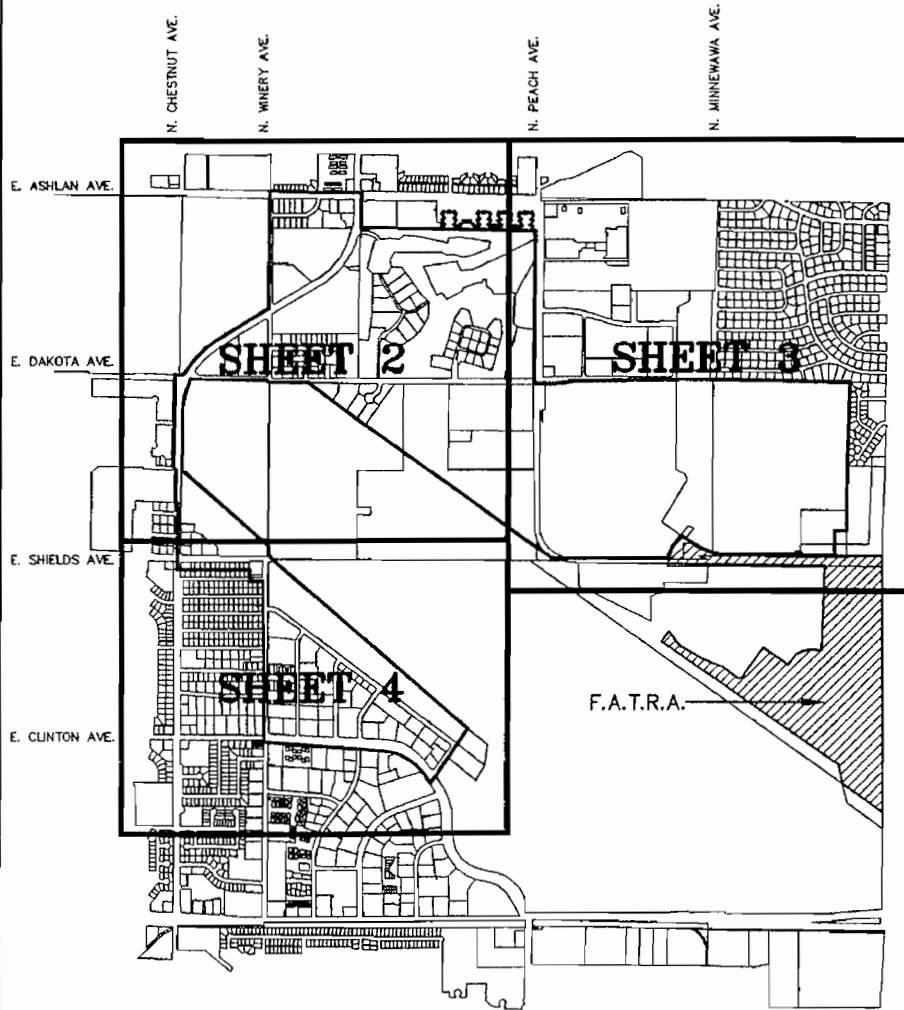
BOUNDARY DESCRIPTION
FOR
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 1 OF 1

98-208...MASTER.DWG

12-11-98
02-17-99

AREA "A"



KEY MAP

NO SCALE

BOUNDARY DESCRIPTION
FOR
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

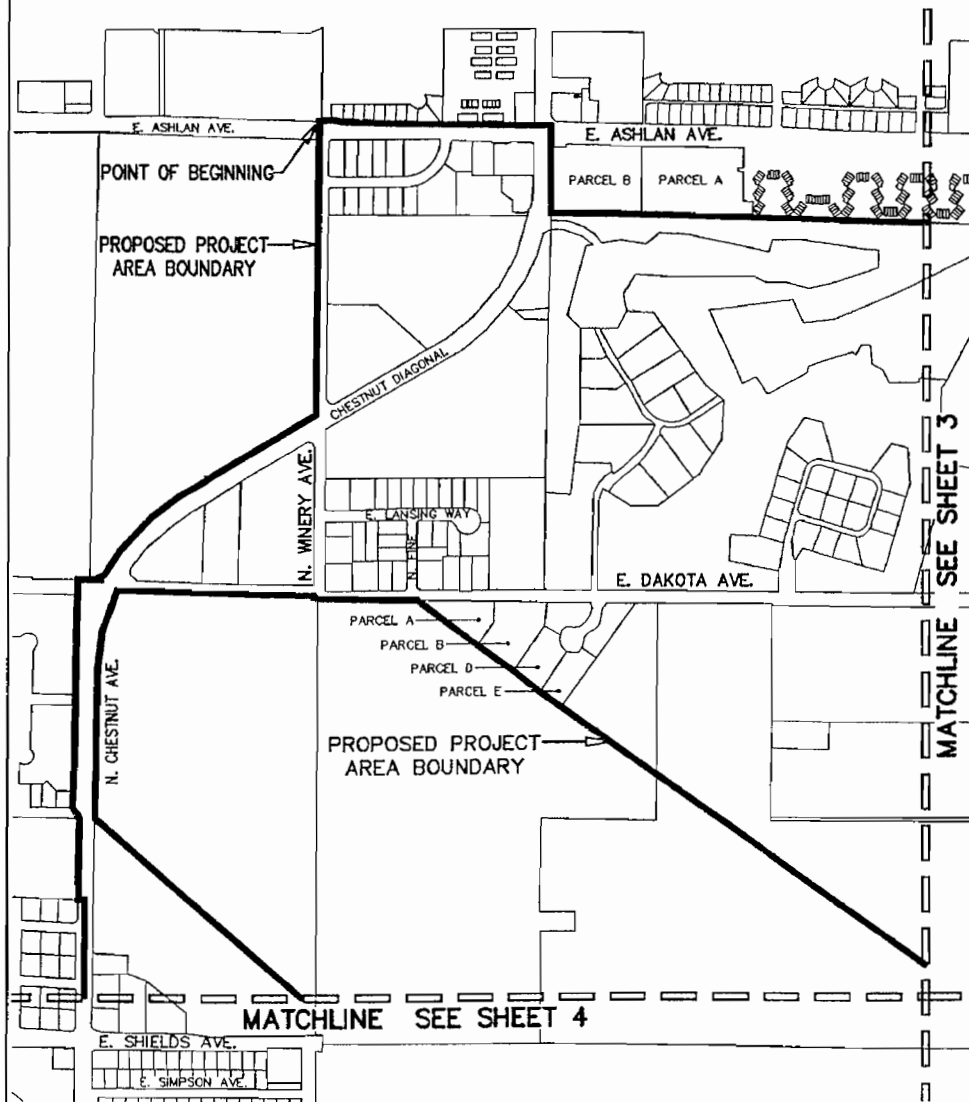
SHEET 1 OF 4



12-11-98

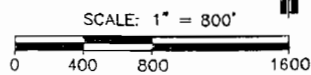
98-208...AREA-A.DWG

AREA "A"



BOUNDARY DESCRIPTION
FOR
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

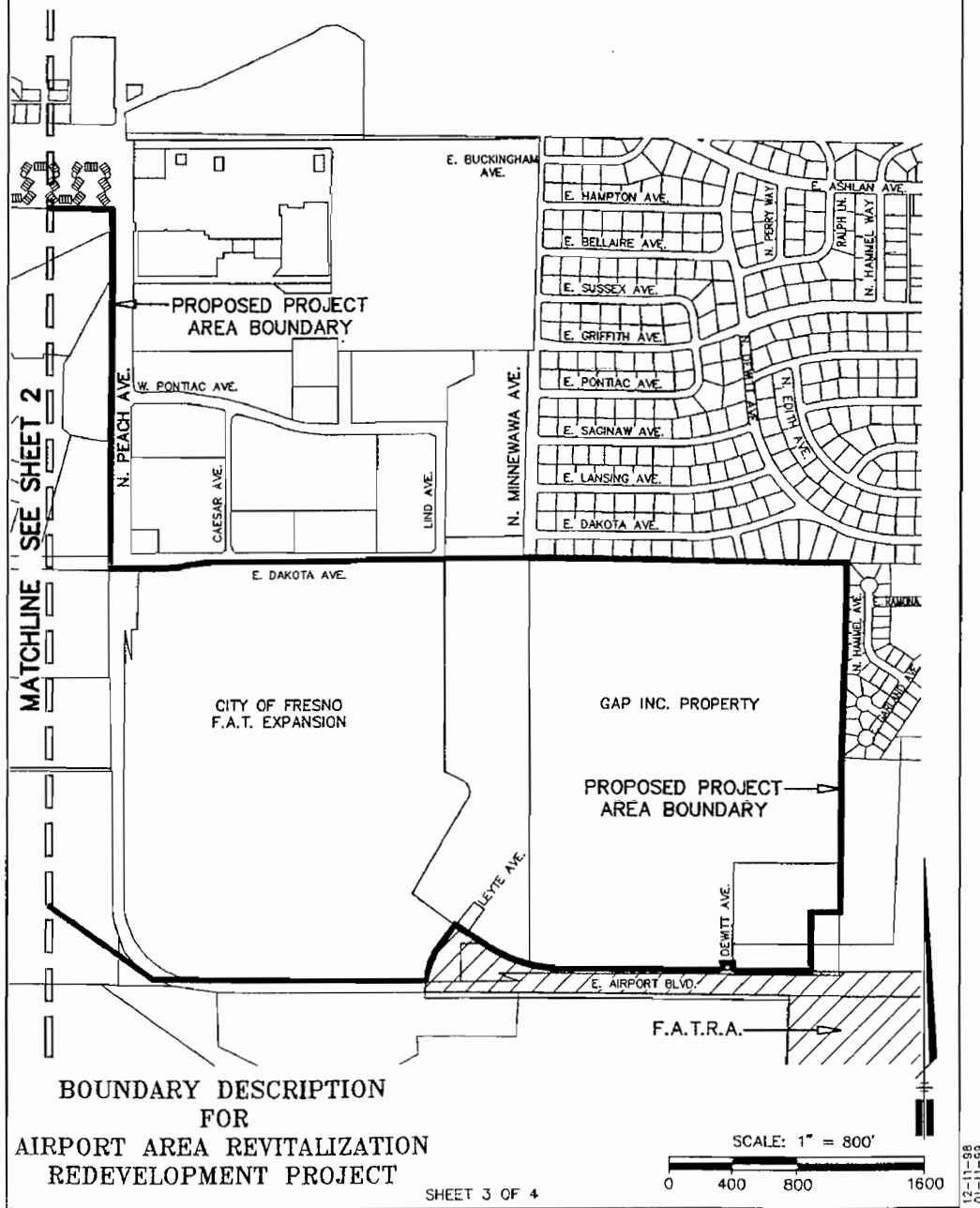
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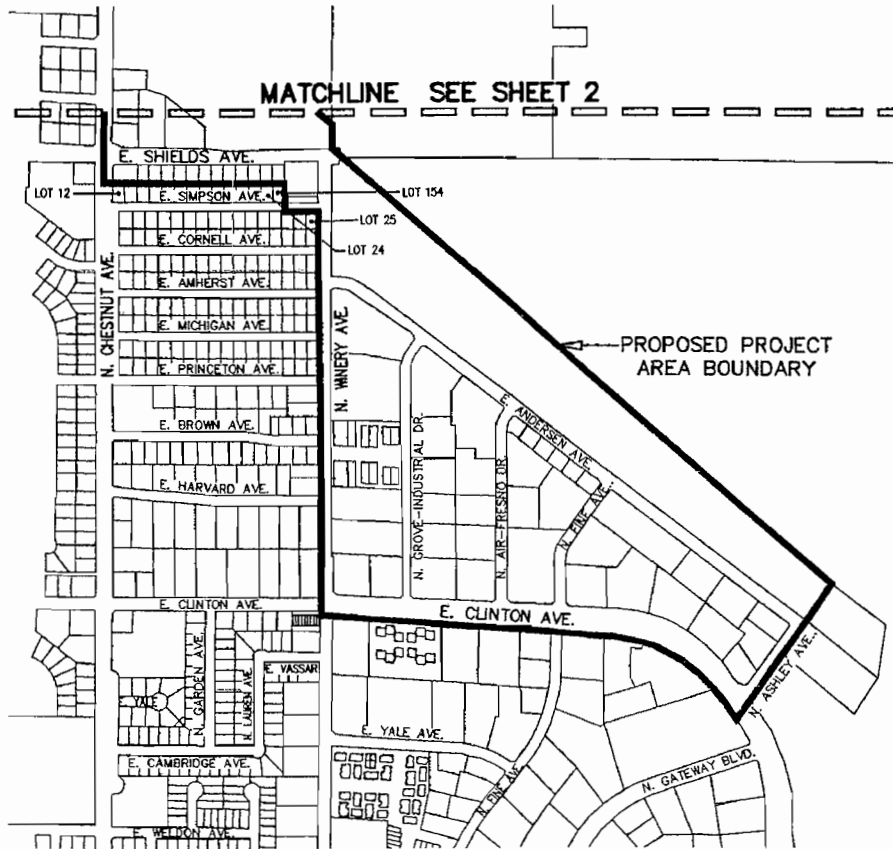
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12-11-99
01-11-99

AREA "A"

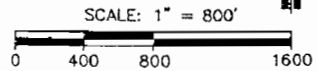


AREA "A"



BOUNDARY DESCRIPTION
FOR
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 4 OF 4

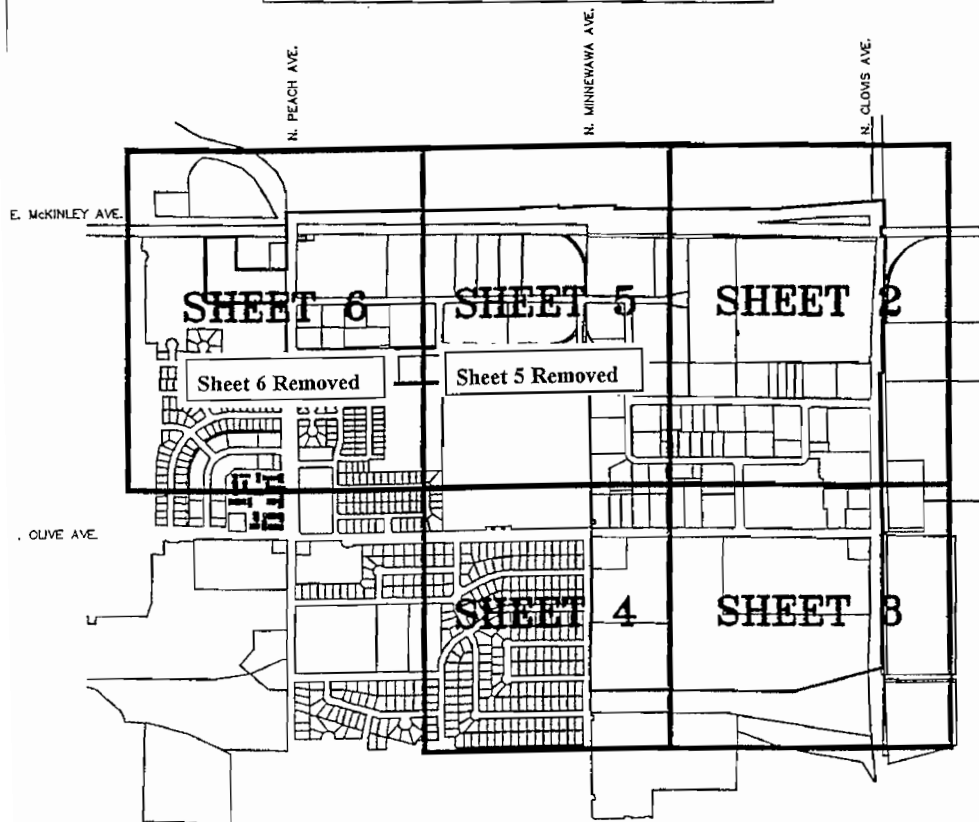


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12-11-98
01-11-99

AREA "B"

Portions of Area B Excepted and Removed



KEY MAP

NO SCALE

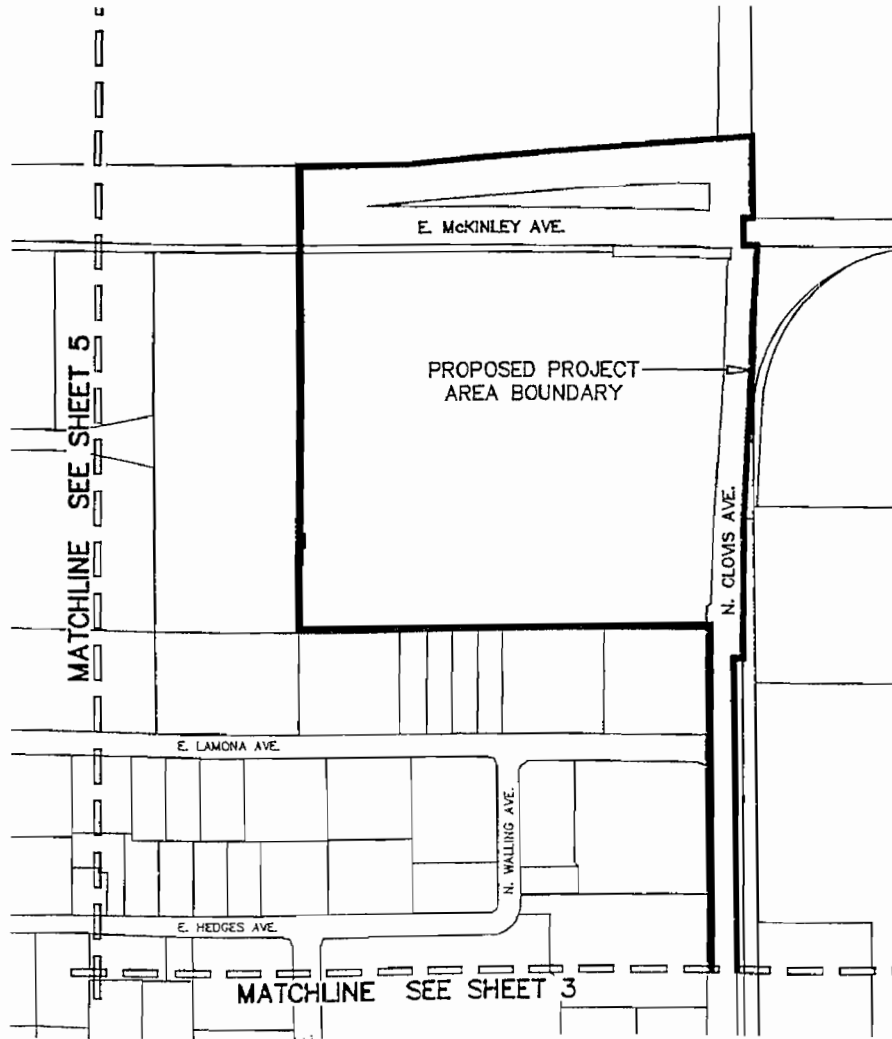
IRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 1

98-109-AREA-B.DWG

12-11-98

AREA "B"



JRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

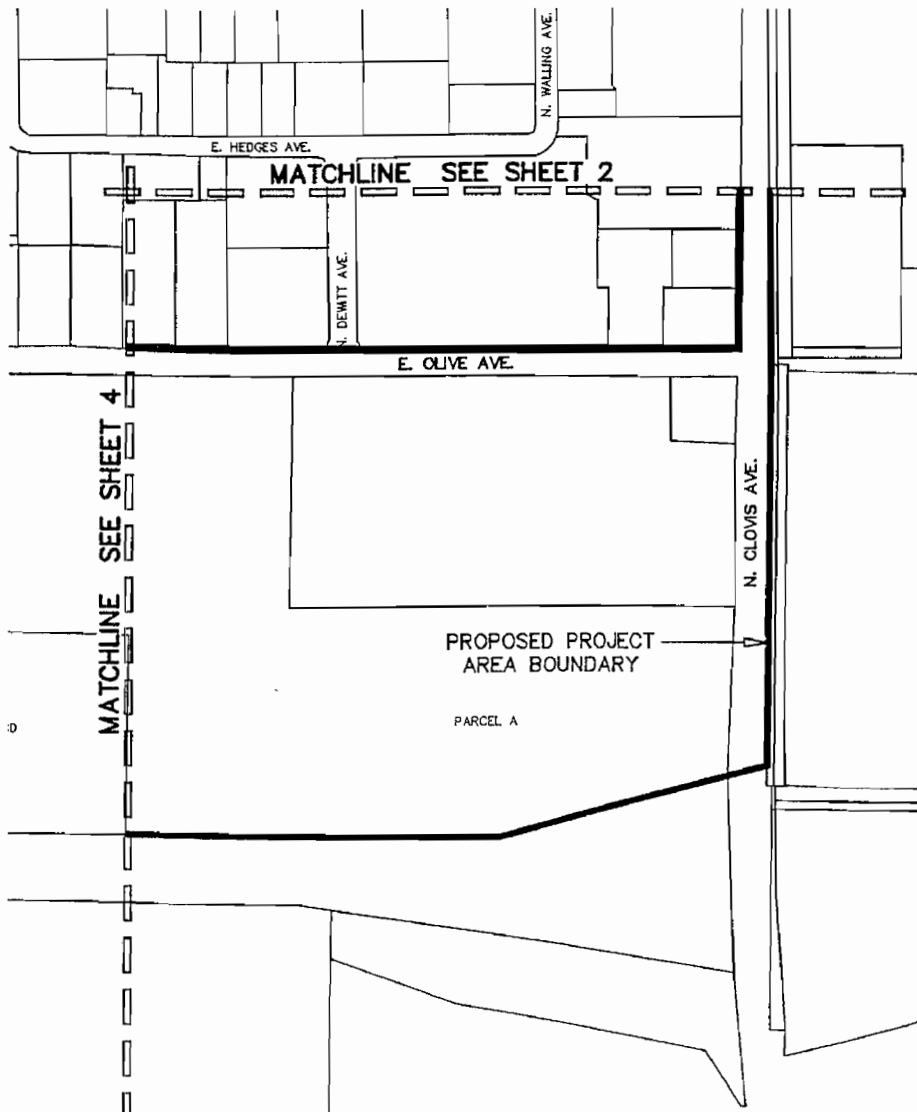
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SCALE: 1" = 400'
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98-COB...AREA-B.DWG

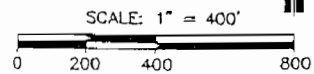
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AREA "B"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

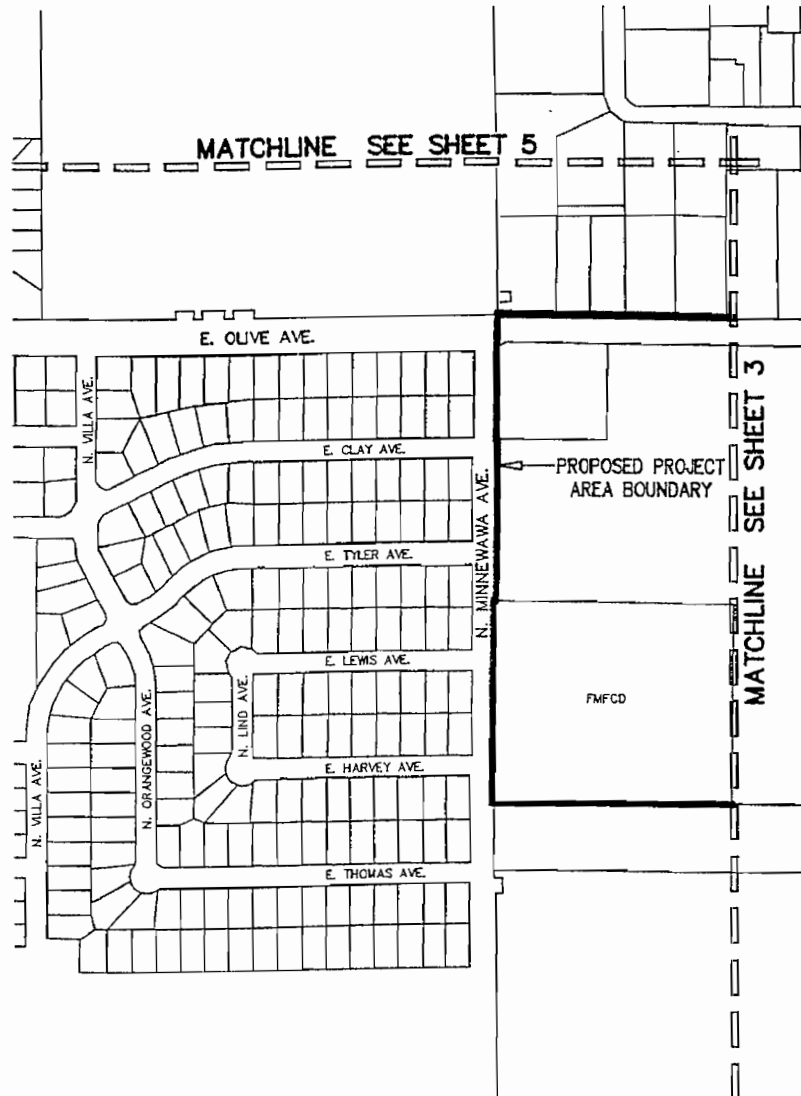
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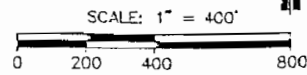
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AREA "B"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

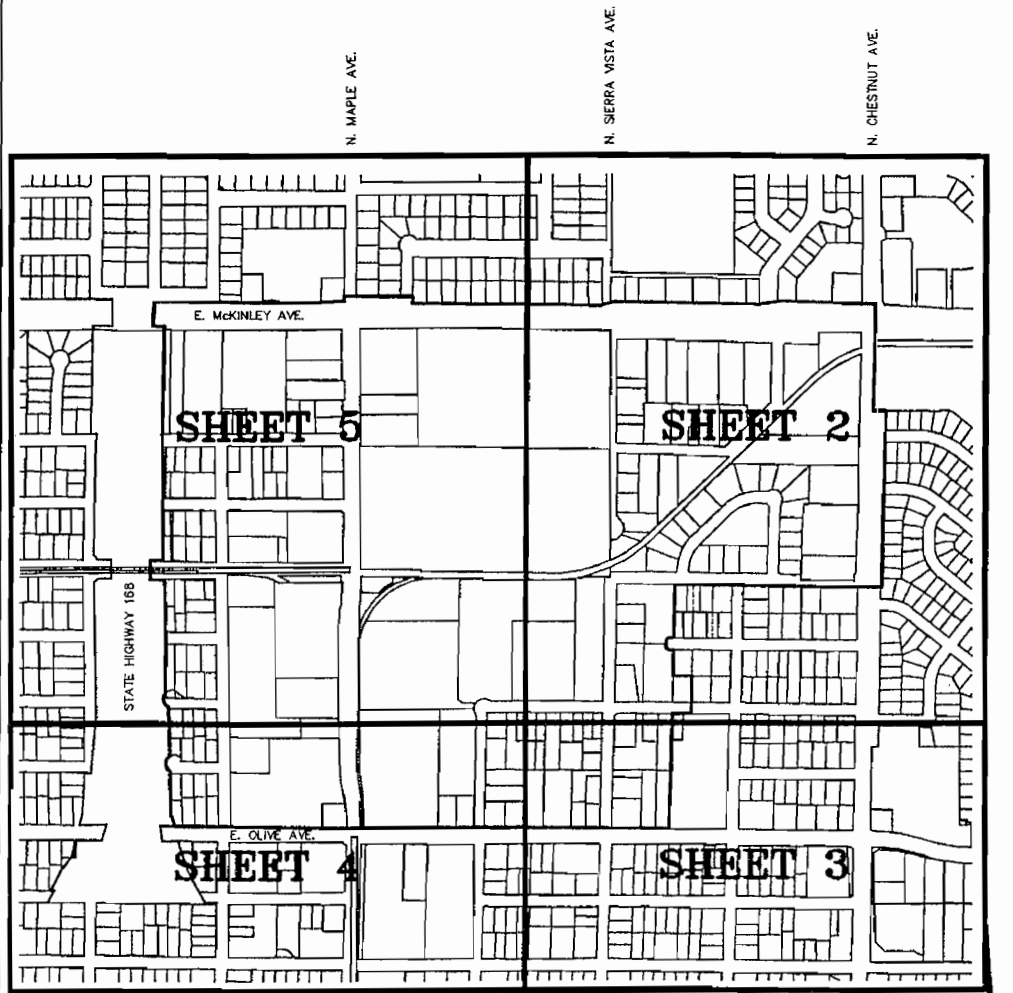
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98-208...AREA-B.DWG

12-11-98

AREA "C"



KEY MAP

NO SCALE

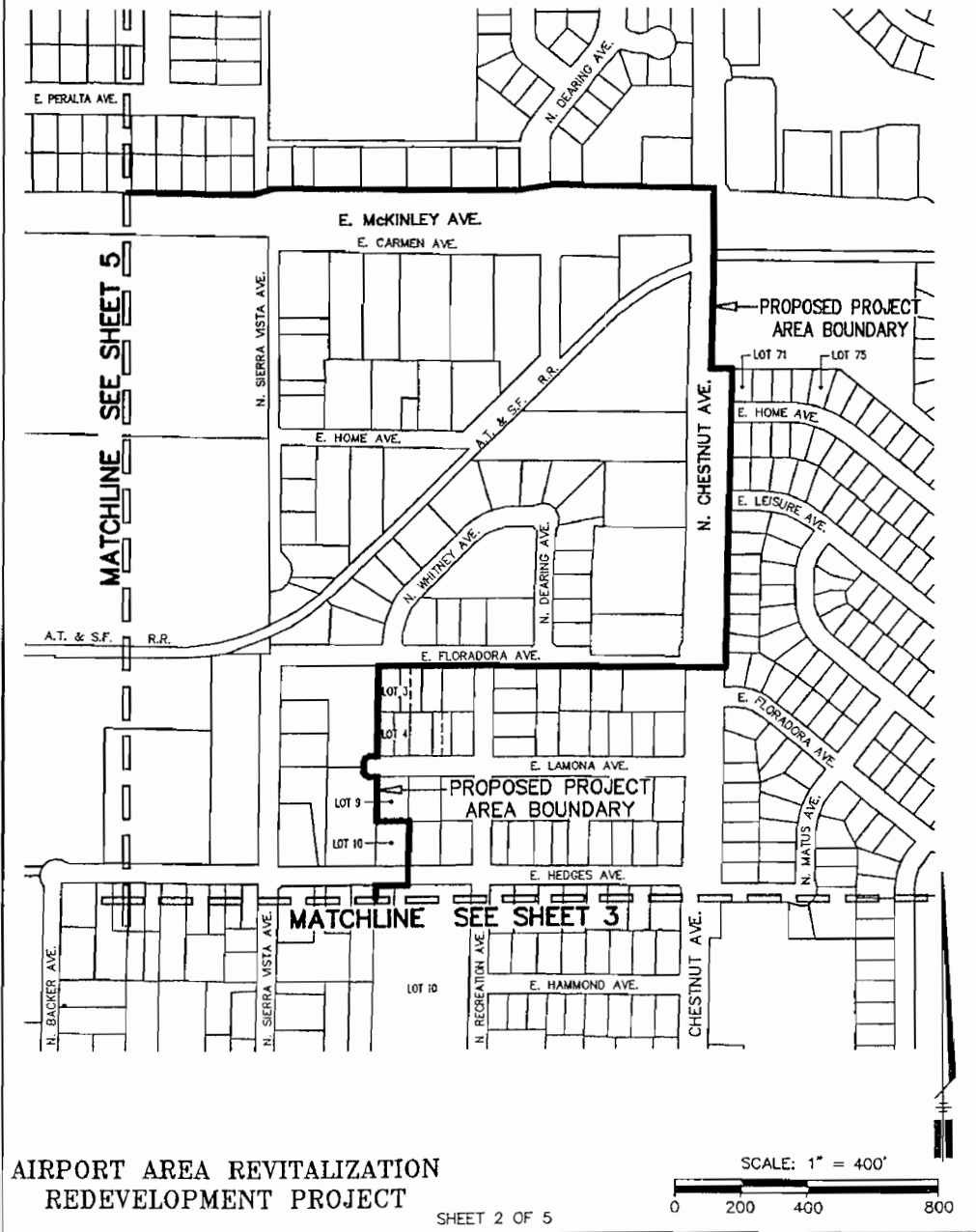
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 1 OF 5

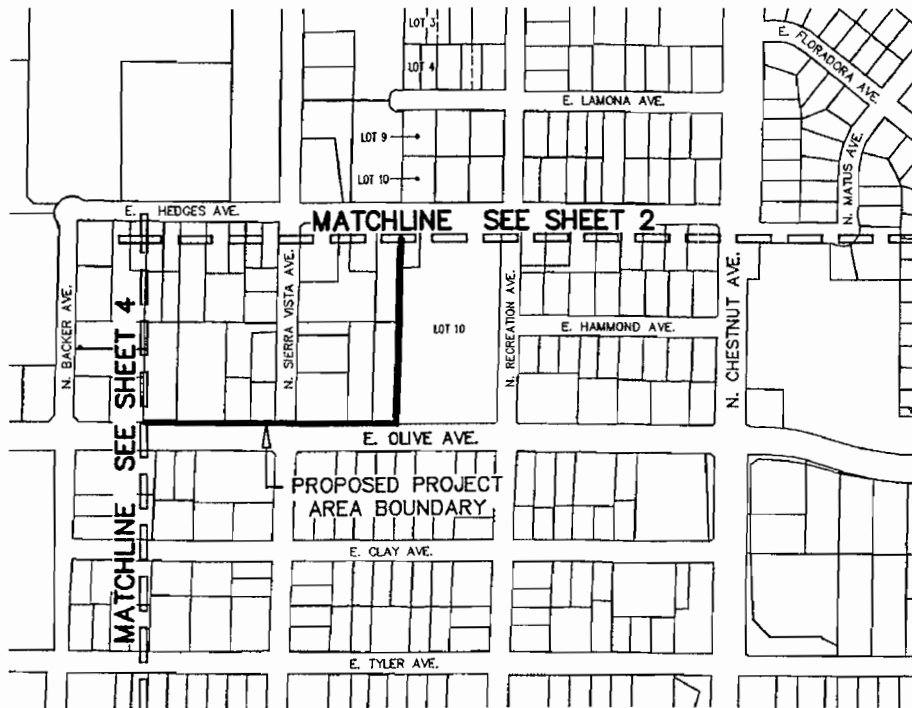
38-208...AREA-C.DWG

12-11-98

AREA "C"

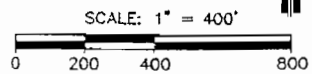


AREA "C"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

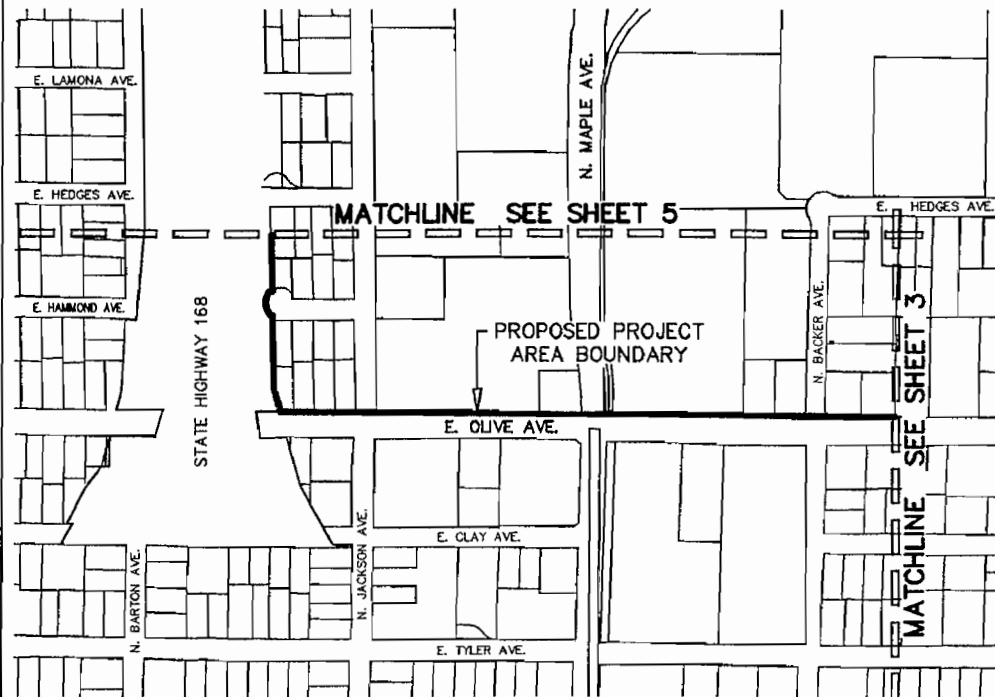
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98-208...AREA-C.DWG

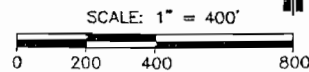
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AREA "C"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

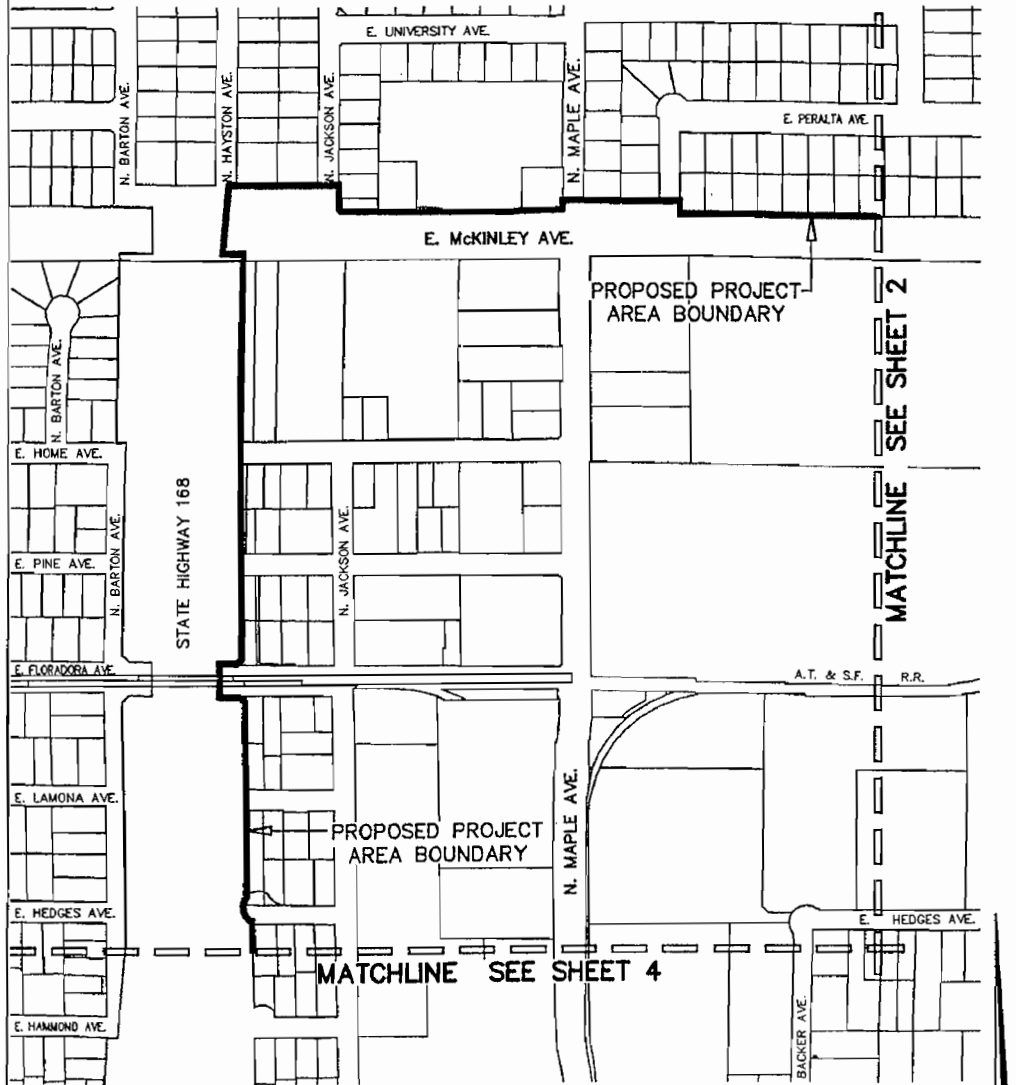
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98-208...AREA-C.DWG

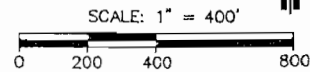
12-11-98

AREA "C"



BOUNDARY DESCRIPTION
FOR
AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

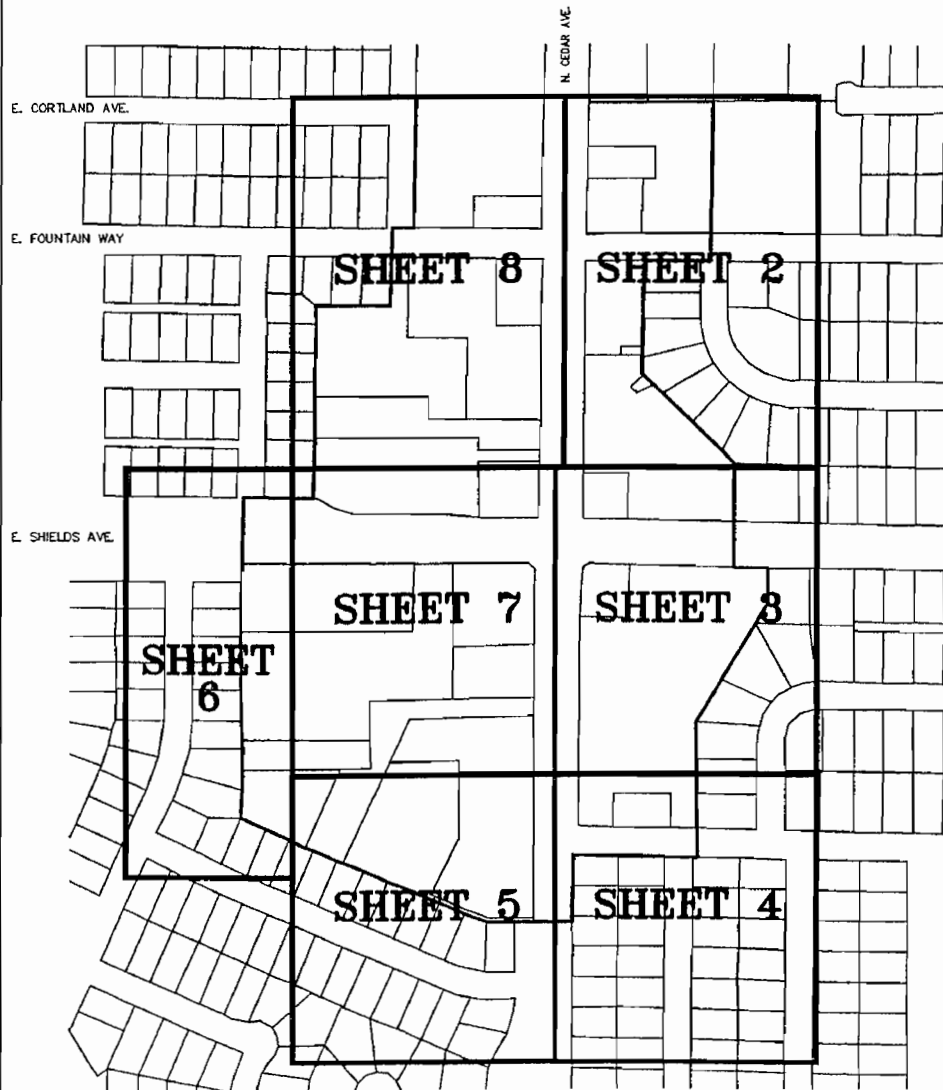
SHEET 5 OF 5



98-208...AREA-C.DWG

12-11-98

AREA "D"



KEY MAP

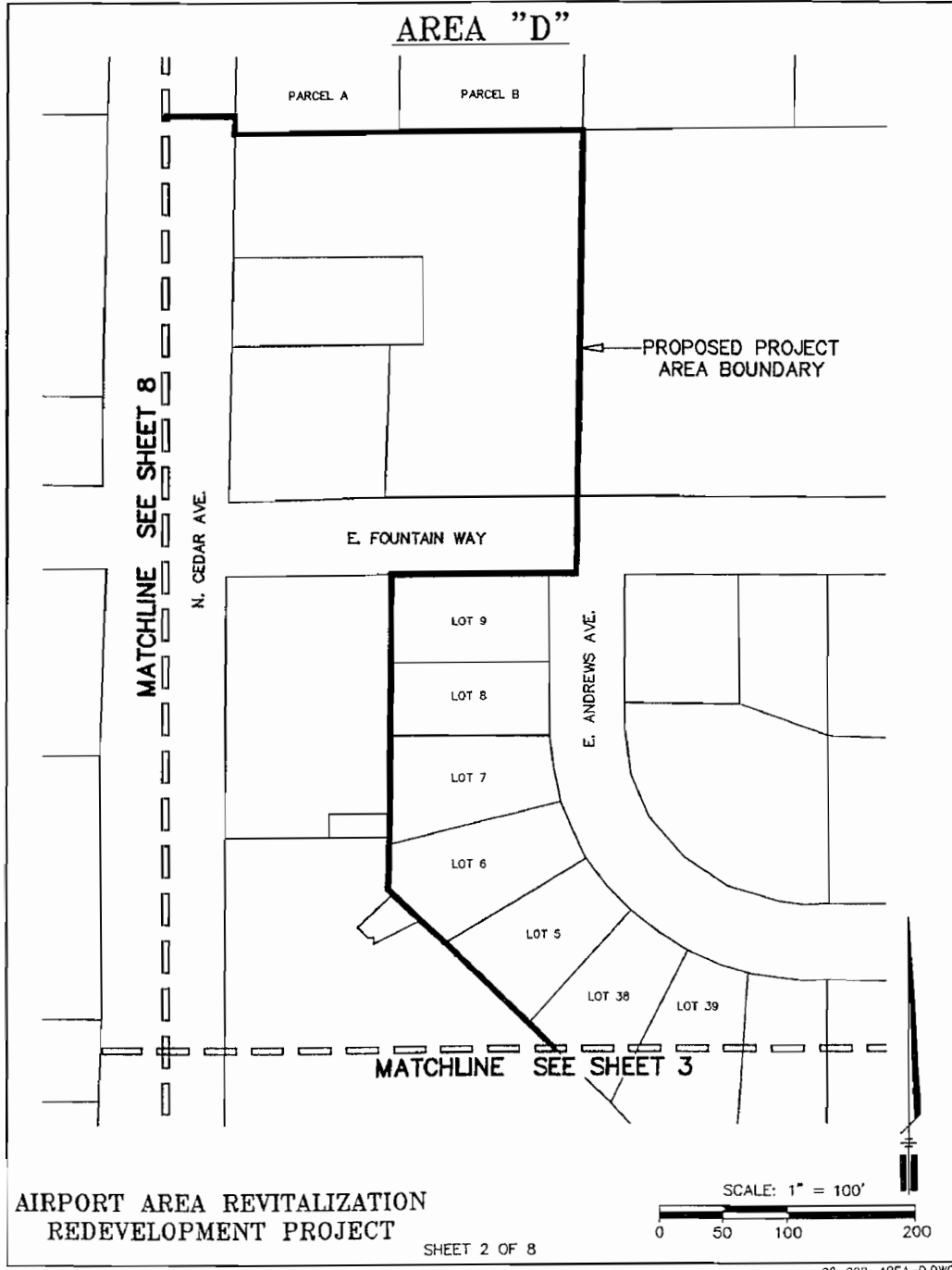
NO SCALE

AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 1 OF 8

98-208..AREA-D.DWG

12-11-98



AREA "D"

MATCHLINE SEE SHEET 7

N. CEDAR AVE.

E. SHIELDS AVE.

LOT 38 LOT 39

LOT 66

PROPOSED PROJECT AREA BOUNDARY

LOT 1

LOT 5

LOT 6

S. SIMPSON AVE.

MATCHLINE SEE SHEET 4

SCALE: 1" = 100'

0 50 100 200

AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

SHEET 3 OF 8

AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

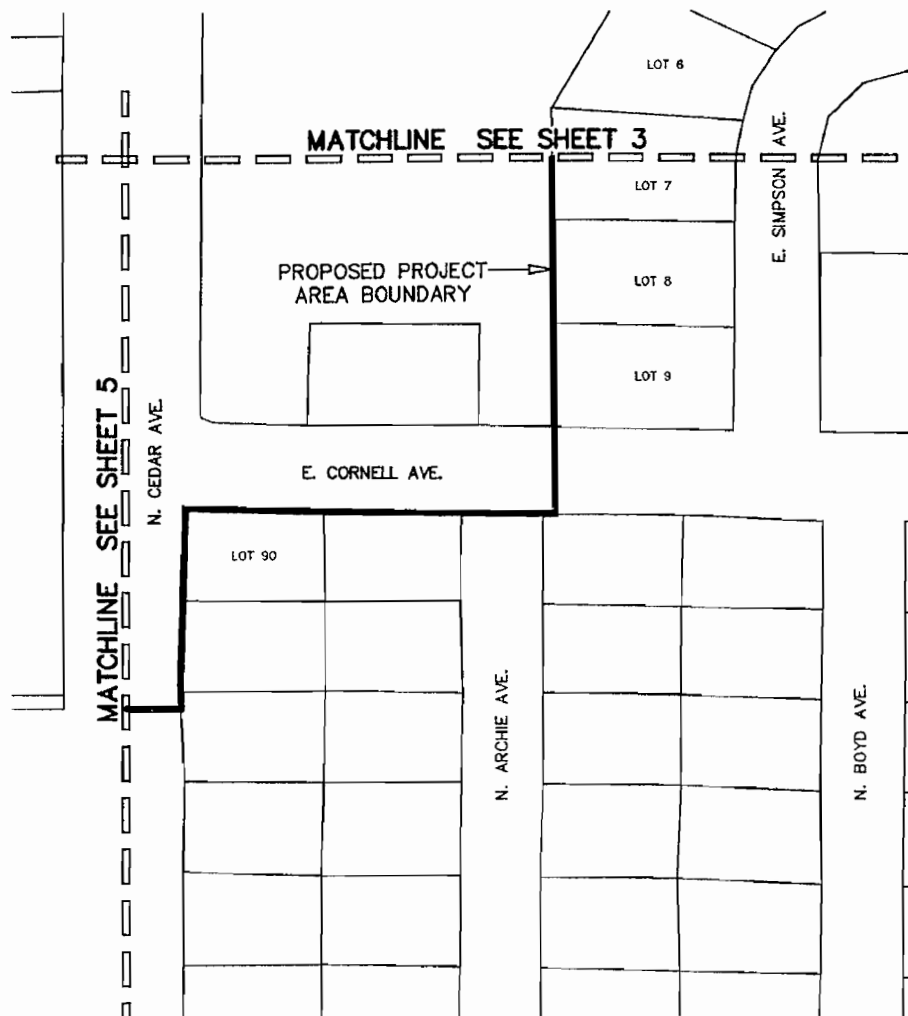
SHEET 3 OF 8

SCALE: 1" = 100'

98-208...AREA-D.DWG

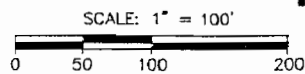
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AREA "D"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

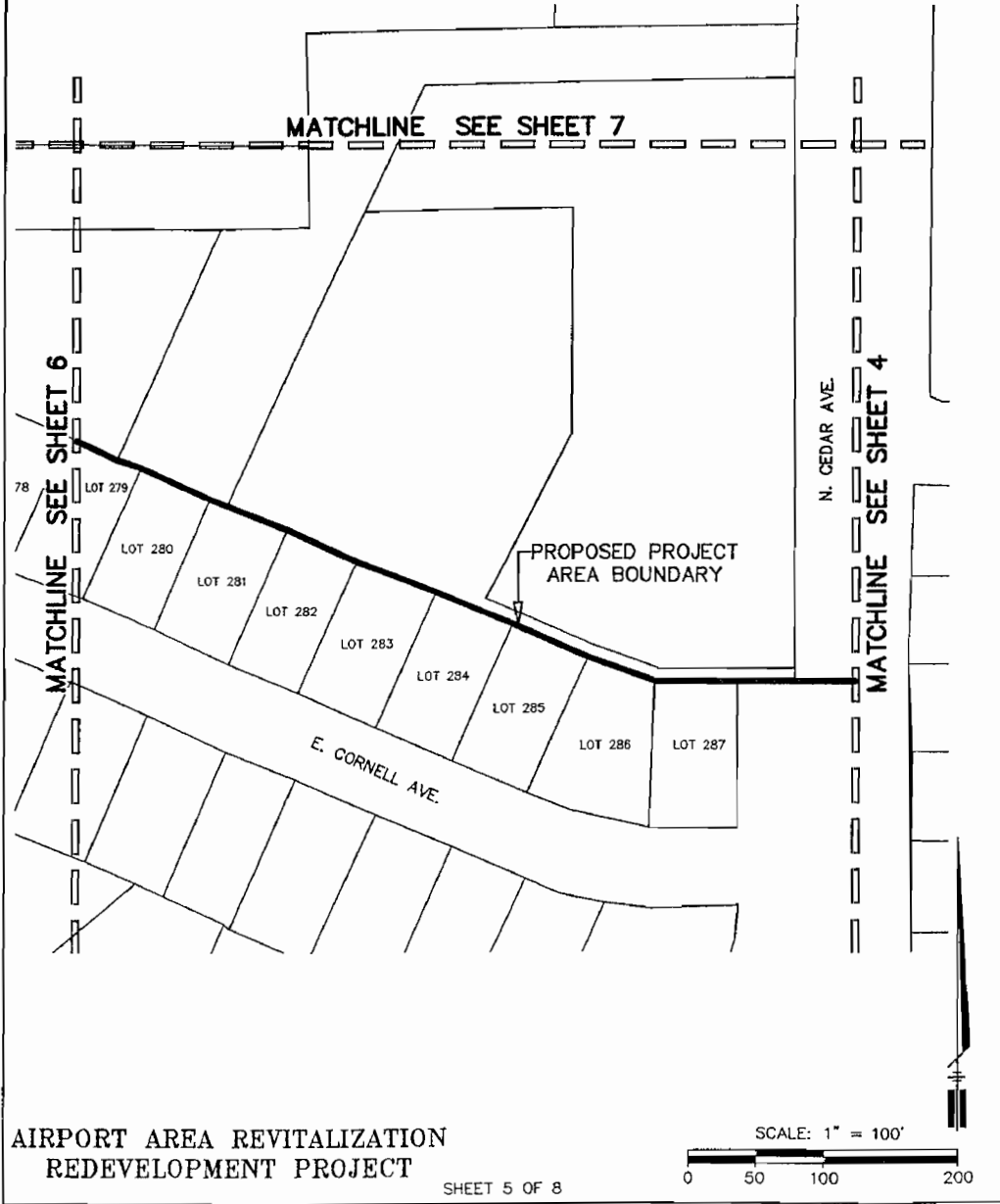
SHEET 4 OF 8



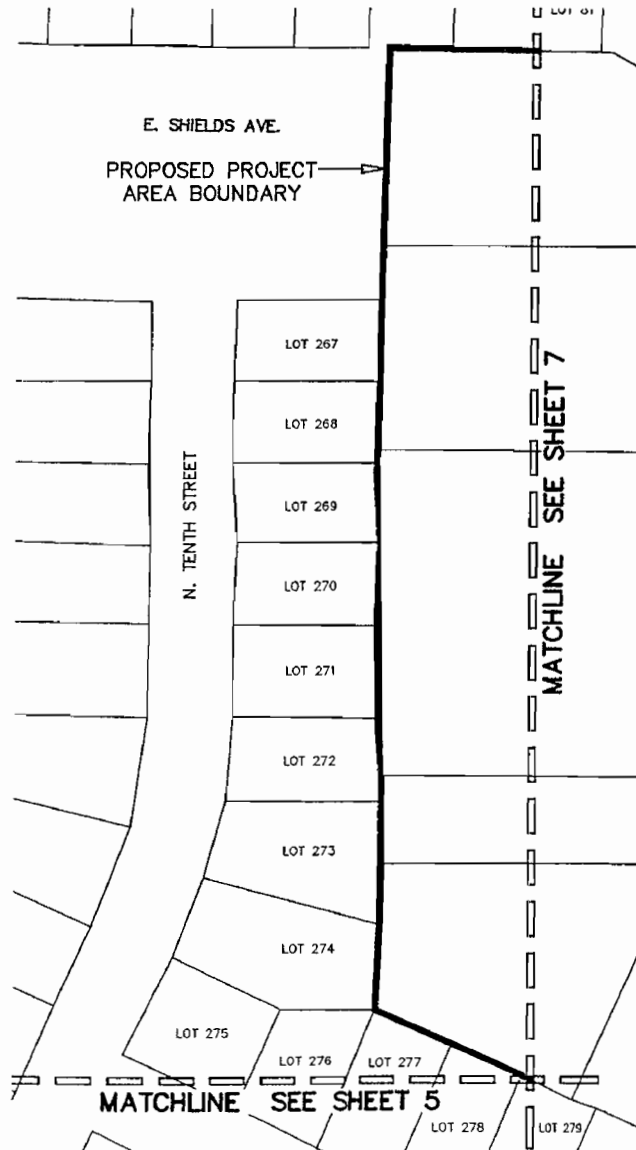
98-208...AREA-D.DWG

12-11-98

AREA "D"

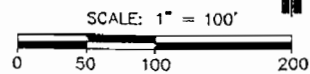


AREA "D"



AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

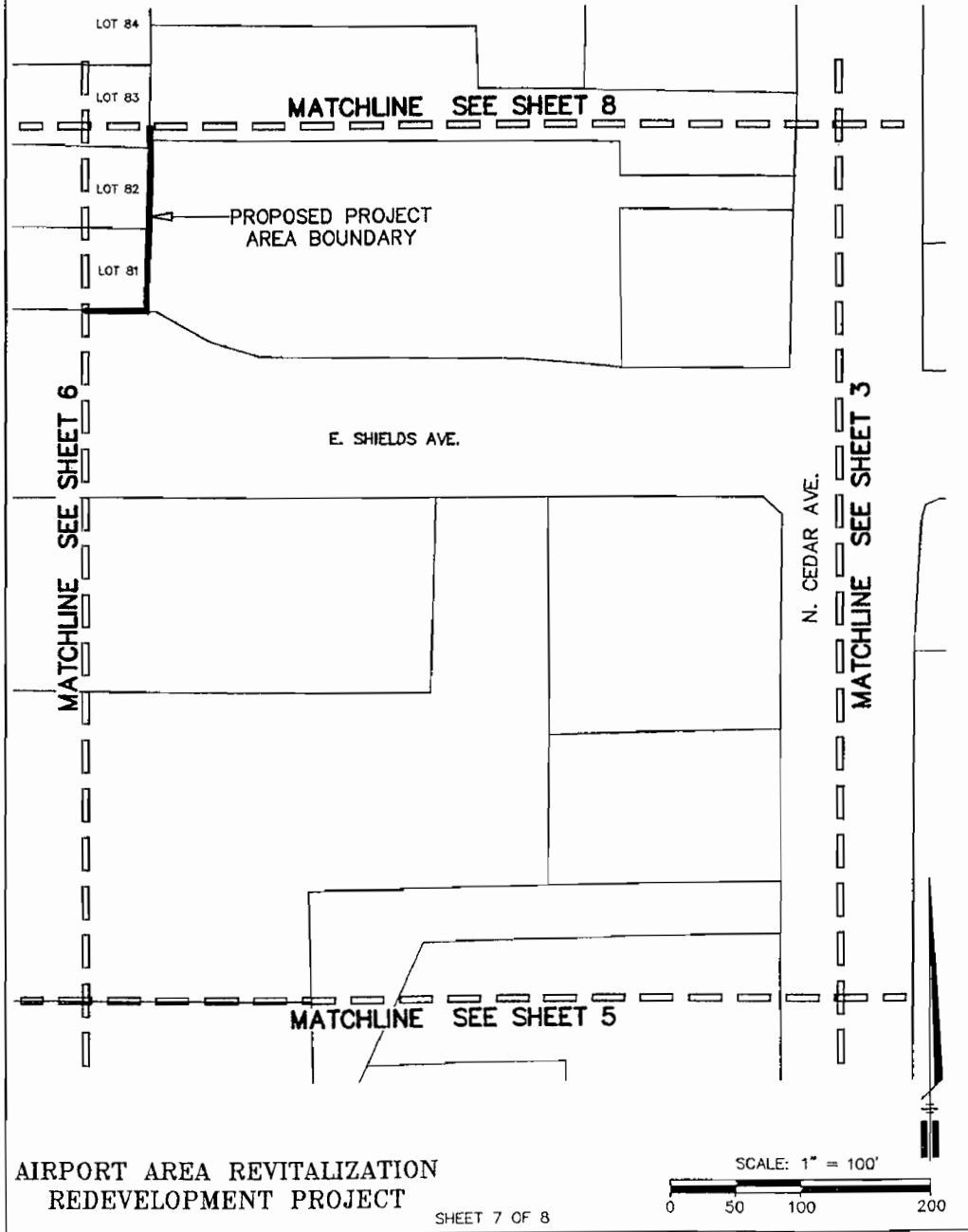
SHEET 6 OF 8



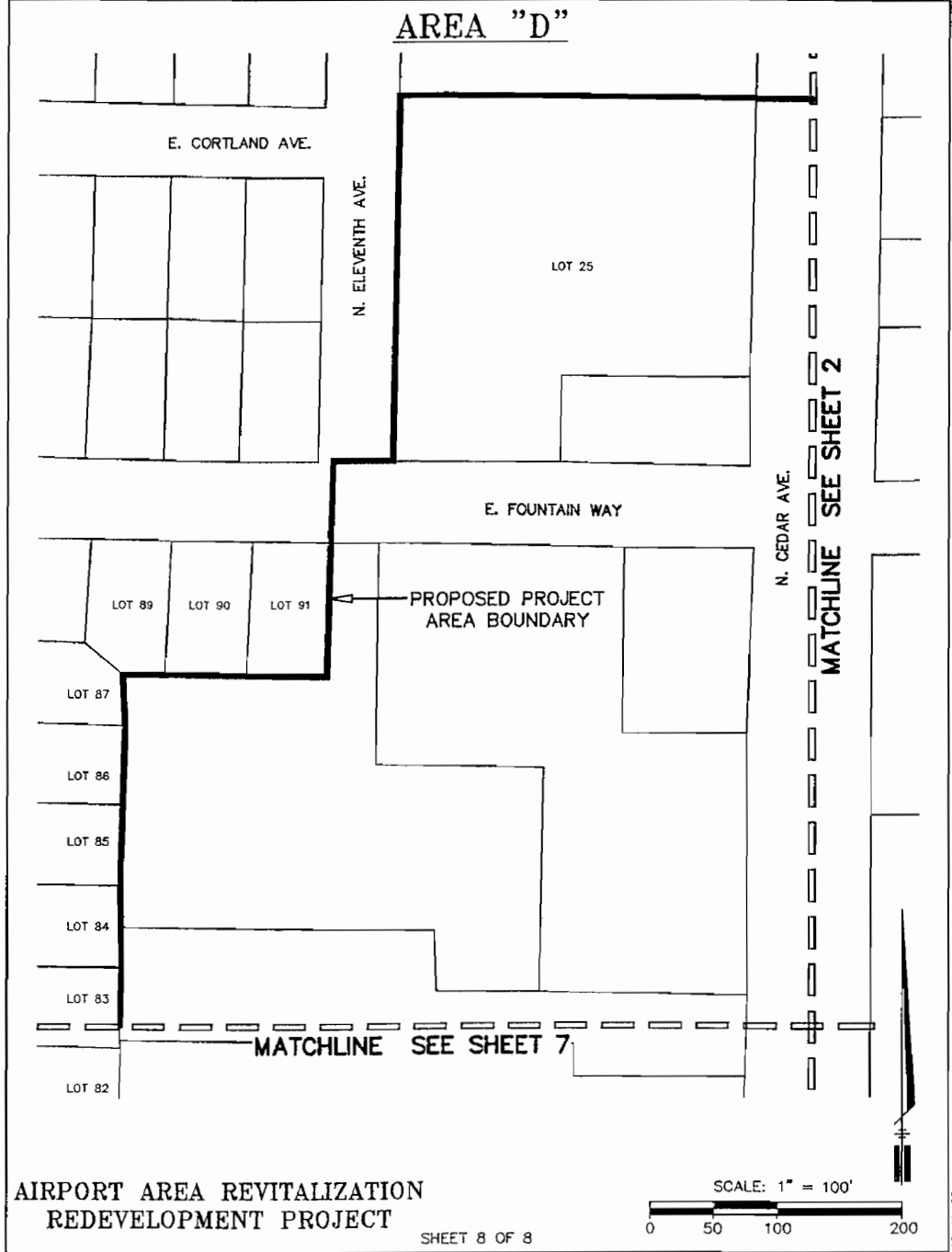
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12-11-98

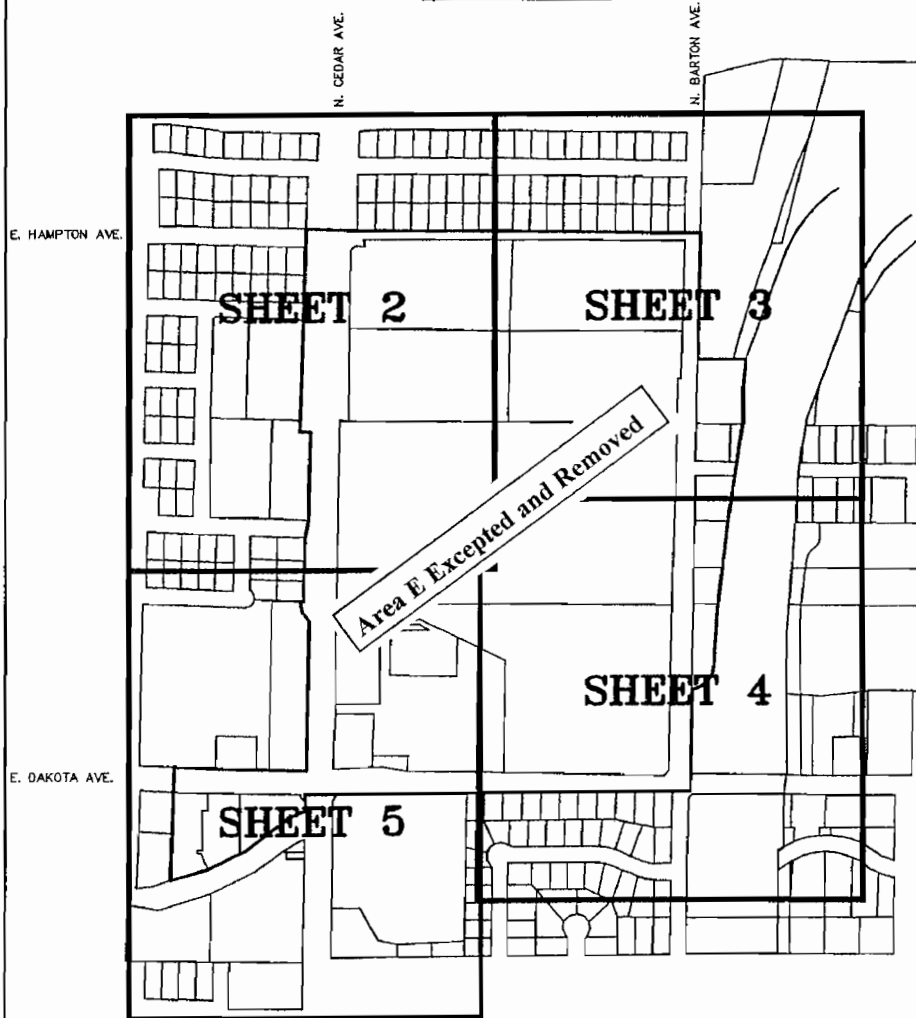
AREA "D"



AREA "D"



AREA "E"



KEY MAP

NO SCALE

AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT

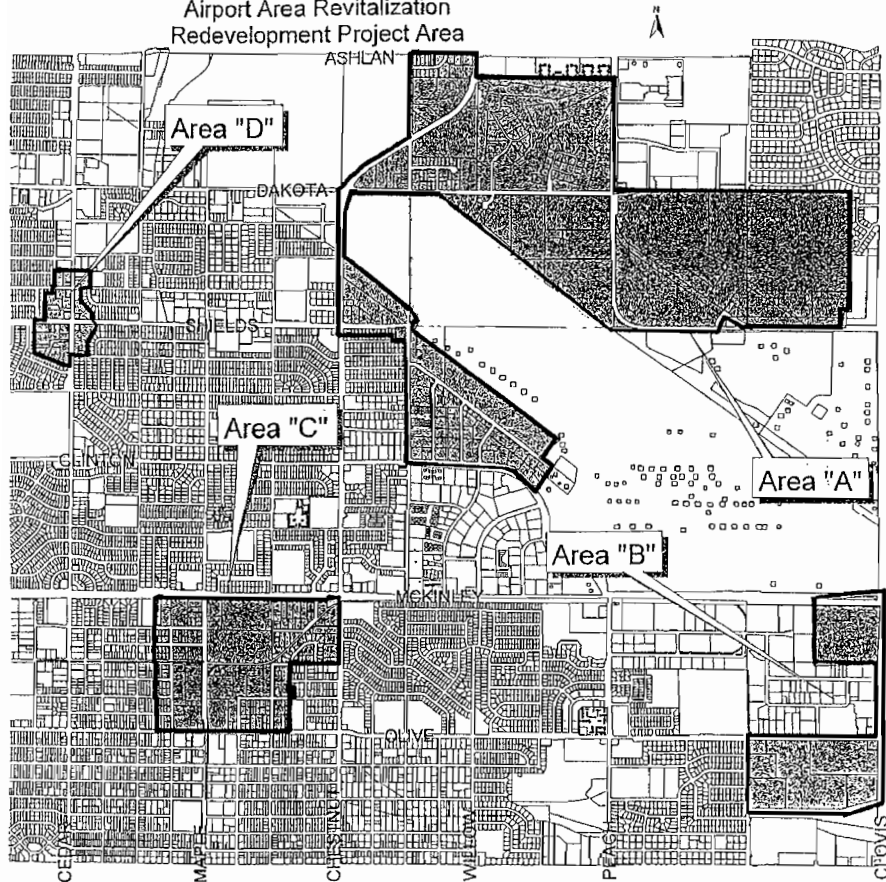
SHEET 1 OF 5

98-208...AREA-E.DWG

12-11-98

ATTACHMENT NO. 2
PROJECT AREA MAP
ALTERNATIVE A BOUNDARIES

Airport Area Revitalization
Redevelopment Project Area



ATTACHMENT NO. 3
REDEVELOPMENT LAND USE MAP
ALTERNATIVE A BOUNDARIES

AIRPORT AREA REVITALIZATION REDEVELOPMENT PLAN

ATTACHMENT NO. 3: REDEVELOPMENT LAND USE MAP



(Land Uses in this Portion of the Project Area Shall be
Those Depicted on the Roosevelt Community Plan Land Use
Map)

----- ■ Project Area Boundary

ROOSEVELT Community Plan

LEGEND

RESIDENTIAL

-  MEDIUM DENSITY
-  MEDIUM HIGH DENSITY



INDUSTRIAL

-  LIGHT

PUBLIC FACILITIES

-  FIRE STATION

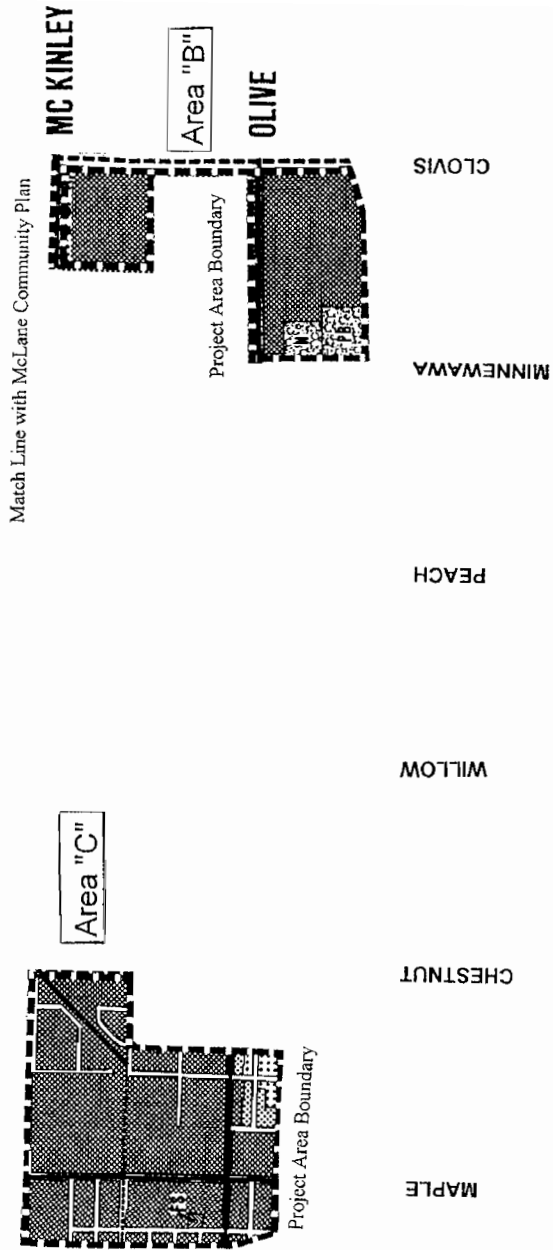
OPEN SPACE

-  PONDING BASIN
-  NEIGHBORHOOD PARK

CIRCULATION

- ARTERIAL
- COLLECTOR
- === LOCAL STREET

ROOSEVELT COMMUNITY PLAN



**AIRPORT AREA REVITALIZATION
REDEVELOPMENT PLAN**

**ATTACHMENT NO. 3: REDEVELOPMENT LAND
USE MAP**



(Land Uses in this Portion of the Project Area Shall be
Those Depicted on the McLane Community Plan Land Use
Map)

----- Project Area Boundary




Mc Lane Community Plan

LEGEND

RESIDENTIAL

-  MEDIUM LOW DENSITY
 MEDIUM HIGH DENSITY


COMMERCIAL

-  OFFICE
 NEIGHBORHOOD
 COMMUNITY


INDUSTRIES

-  LIGHT INDUSTRIES

PUBLIC FACILITIES

-  PUBLIC FACILITIES

OPEN SPACE

-  RECREATIONAL
PB PONDING BASIN
┌ GOLF COURSE
CR COMMERCIAL RECREATIONAL

CIRCULATION

-    ARTERIAL
 COLLECTOR

▲ - CONDITIONAL AMENDMENT

McLANE COMMUNITY PLAN

ASHLAN

Area "A"

DAKOTA

SHIELDS

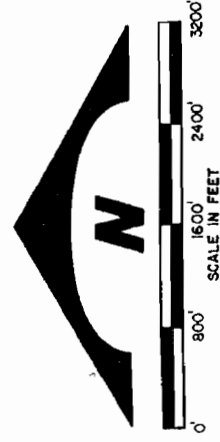
Project Area Boundary

CLOVIS

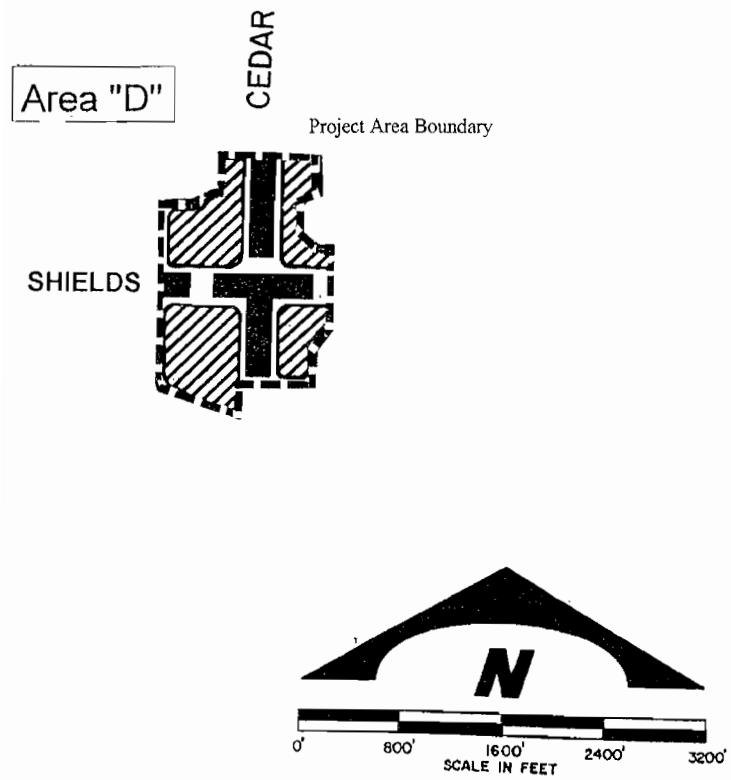
CLINTON

PEACH

CHESTNUT



McLANE COMMUNITY PLAN



ATTACHMENT NO. 4
PROPOSED PUBLIC IMPROVEMENTS

ATTACHMENT NO. 4

AIRPORT AREA REVITALIZATION
REDEVELOPMENT PROJECT
PROPOSED PUBLIC IMPROVEMENTS

1. Street system improvements, including but not limited to curbs, gutters, sidewalks, paving, landscaping and irrigations systems, turning lanes, median islands, parking spaces, and street widening and extensions associated with plan implementation.
2. Sewer system improvements, including but not limited to sewer mains, service lines, manholes, and related temporary pavement and payment restoration work as required with plan implementation.
3. Water system improvements, including but not limited to water wells, fire hydrants, water and service lines, water mains, and bore and jack casings, wet ties, and related pavement restoration work as required with plan implementation.
4. Storm drainage system improvements, including but not limited to outfalls and inlets, manholes, pipes, bore pipes, and related temporary pavement and pavement restoration as required with plan implementation.
5. Traffic signal and safety lighting system improvements associated with plan implementation.
6. Utility systems installations, relocations and/or undergrounding, including but not limited to telephone, electrical, gas, cable TV, fiberoptics, etc., improvements.
7. Public parking lots and structures improvements as necessary to support plan implementation.
8. Railroad route and crossing safety improvements, including but not limited to closure, re-routing, or extension of spur lines.
9. Streetscape Improvements of major streets, including but not limited to Olive, McKinley, Clinton, Shields, Dakota, Ashlan, Cedar, Maple, Chestnut, Peach, and Clovis; entryway improvements at selected locations along designated major streets and/or freeways.
10. Building improvements, including but not limited to general service and/or administration offices for the United States Government, the State of California, the County of Fresno, or other regional and local agencies, including the City of Fresno.

1:15 pm 15
7/19/99

July 13, 1999

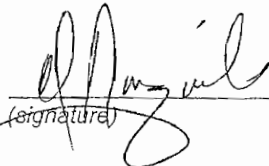
TO: COUNCIL
FROM: REBECCA E. KLISCH, City Clerk *REK*
SUBJECT: TRANSMITTAL OF MAYOR'S VETO

The Mayor has vetoed Ordinance No. 99-44 entitled Adopt RDA Plan for Airport Area Project. Under the Charter, if a vetoed ordinance, resolution or other legislative action is not overridden within 30 days of the veto, the resolution or ordinance is deemed disapproved. In accordance with the Fresno Municipal Code, any Councilmember may request the City Clerk to place the resolution, ordinance or other legislative action on the agenda for an override vote.

Any Councilmember who wishes this matter be placed on the agenda for an override vote must sign below and file this request with the City Clerk before the agenda for the meeting of 8/10/99 is posted. As there is no regular Council meeting scheduled for 8/10/99, it may be necessary to either call a special meeting, or take action on 7/20/99 or 7/27/99.

To: CLERK

Please place this item on the agenda for override consideration.


(signature)

Date: 7/14/99

Presented to Fresno Redevelopment Agency
Date 7/19/99
Disposition Veto overridden

June 30, 1999

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

RECEIVED
93 JUL 12 PM 1:07
CITY CLERK'S OFFICE
Council Adoption: 6-22-99.
Mayor Approval: _____
Mayor Veto: _____
Override Request: _____
By: _____
Deputy: _____

At the Council meeting of 6/29/99, Council adopted the attached Ordinance No. 99-44, entitled Adopt RDA Plan for Airport Area Proj. (Version A-2) to include the GAP, \$40 million cap, w/out merger, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Ronquillo
Noes : Quintero, Steltz
Absent : None
Abstain : None

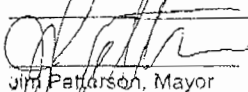
Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before 7/12/99. Failure to file this memo with the Clerk's office within the required time limit shall constitute 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.)

SEE Veto message ATTACHED.


Jim Patterson, Mayor

Date: 7/12/99

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :



MAYOR JIM PATTERSON

July 12, 1999

TO: Members of the Fresno City Council

FROM: Mayor Jim Patterson

Today I have vetoed Ordinance Nos. 99-42 and 99-44 which seek to expand the boundaries of the Fresno Redevelopment Agency to thriving commercial and industrial centers such as Shaw and Blackstone and the Gap's newly developed \$50 million Pacific Distribution Center.

The tools provided by state law to redevelopment agencies can be important sources of urban renewal. Yet, those tools can only succeed and should only be used when they are focused on true redevelopment needs and in support of well-underwritten projects and developers.

City governments acting as redevelopment agencies are encouraged to abuse redevelopment authorities to grab property tax revenues from other local government entities. They do this by including lands that are not blighted to capture tax increment growth that will occur regardless of redevelopment project investments. The history of these abuses throughout the state is well documented. This history has led to numerous changes in state law in an attempt to curb redevelopment agency abuse. However, if commercial centers such as Shaw and Blackstone and industrial developments such as the \$50 million Pacific Distribution Centers qualify as blight, then the legal reforms have not yet succeeded in curbing redevelopment abuse.

Redevelopment abuse has consequences to other important government services. It transfers monies out of the general funds of cities, counties and other special districts. Those general funds provide library, public safety and other important neighborhood services.

CITY OF FRESNO

CITY HALL • 2600 FRESNO STREET • FRESNO, CALIFORNIA 93721-3600 • (559) 498-1560 • FAX (559)488-1015

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The loss of property tax revenues from special districts has already caused the local mosquito control district to request and receive additional general fund monies from the City of Fresno to make up for their own loss of revenues. The massive expansion of redevelopment boundaries now sought by the agency members will put similar strains on our own city's property tax revenues and the important public safety and park services that they fund.

The fiscal problems redevelopment abuse will cause our City is compounded by the refusal of the Agency to provide the City's general fund the benefit of the modest 25% in pass-through revenues that are provided as a routine matter to all other local government entities. That pass through is a means of providing a small bit of relief for the redirection of property tax dollars from general fund programs.

The Planning Commission urged that the 25% pass-through be included as a required environmental mitigation in the environmental impact report that it certified to the City Council. Their request for that environmental mitigation was ignored by the Council, thus exposing the environmental certifications to justifiable legal challenge.

Defenders of expansive redevelopment strategies argue those redevelopment agencies only collect tax revenues from successful redevelopment projects and that they therefore have only a positive impact on the long term fiscal health of the local governments that rely on property taxes. However, the truth is that numerous significant properties that are a present source of rising property taxes have been included in the new redevelopment zones. Those properties are benefitting from new investments without the use of redevelopment authorities.

Manchester Center is presently a construction zone. It has recently benefitted from new tenants such as Team Results and Caltrans, and new projects such as the multiplex theater. Those projects and new businesses were obtained without redevelopment. If the effort to encase Manchester Center into the redevelopment area is successful, the rising property taxes those projects are generating will be siphoned from the city and county general fund to redevelopment developers.

The \$50 million Gap distribution center is a major private industrial investment in our community. Construction to double that project will commence within the next several weeks. Hundreds of millions of dollars of construction will continue on that site during the next several years. Other properties throughout the airport region are also benefitting from new public and private investment.

Fresno Redevelopment Agency Members are engaged in an unsubtle effort to siphon future general fund tax revenues from the City and the County. I urge the Agency members and the City Council to reconsider the misapplication of redevelopment agency

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boundaries so that redevelopment abuses can be avoided and so that redevelopment efforts can be properly targeted to areas that are obviously blighted.

In prior veto messages I have expressed concerns about redevelopment strategies that seek unconstrained authorities to use eminent domain to take private property for the benefit of other private property developers. Efforts by the Planning Commission and by Council Members Steitz and Quintero to provide some checks on the use of redevelopment's exercise of eminent domain authorities were rebuffed. Those issues should also be reconsidered by the Council.

Today I have also approved Ordinance Nos. 99-43 and 99-45 which expanded the redevelopment agency boundaries to South East and South industrial portions of our community. Those project areas do not encompass the extreme redevelopment abuses evidenced in the Airport and Central City Commercial project areas.

c: Jeff Reid, City Manager
Hilda Cantu-Montoy, City Attorney
✓Becky Klisch, City Clerk