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Bill No. B-111

Ordinance No. 2004-109

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING AND ADOPTING THE
2004 AMENDMENT AND RESTATEMENT OF THE REDEVELOPMENT PLAN FOR THE
FRUIT/CHURCH PROJECT

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Duncan SECONDED BY Calhoun

BILL NO. 8-111
ORDINANCE NO. 2004-109

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING AND ADOPTING THE 2004 AMENDMENT AND
RESTATEMENT OF THE REDEVELOPMENT PLAN FOR THE
FRUIT/CHURCH PROJECT

WHEREAS, October 7, 1971, the Council of the City of Fresno (the "Council") established the Fruit/Church Redevelopment Project (the "Project" or "Project Area"), by adopting Ordinance No. 71-98, approving and adopting the Redevelopment Plan for the Project, and the Council has amended the Redevelopment Plan by Ordinances Nos. 86-205, 94-113, 95-48, and 98-83 (collectively the "Redevelopment Plan"); and

WHEREAS, Ordinance No. 98-83 merged the Project Area with the Southwest Fresno General Neighborhood Renewal Area (GNRA) Redevelopment project area, with the merged project areas thereafter known and referred to as the "Merger No. 2 Project Area"; and

WHEREAS, under Section 33450 of the Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.) (the "Redevelopment Law"), the Council, by ordinance may amend a redevelopment plan any time after adopting the plan; and

Unless otherwise stated all Section numbers herein are references to the Redevelopment Law
Dated 10/19/04
Approved 10/20/04
Signature 11/20/04

2004-109

WHEREAS, by Resolution No. 2004-197, the Council initiated the plan amendment process for amendments to the Redevelopment Plan; and

WHEREAS, the Council has received the proposed amendments and restatement (the "2004 Amendments") from the Redevelopment Agency of the City of Fresno (the "Agency"), as reflected in the "Amended and Restated Redevelopment Plan for the Fruit/Church Project" (the "2004 Amended and Restated Plan"), a copy of which is attached, is on file at the City Clerk's office at 2600 Fresno Street, Fresno, California, and is on file at the Agency's offices at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the purposes of the 2004 Amendments are to: (a) amend the Redevelopment Plan to cause its land use plan to be the same as the General Plan for the City of Fresno (the "General Plan") and any applicable community and specific plans, as each may be amended or adopted from time to time; and (b) to update and simplify the Redevelopment Plan by streamlining its provisions and removing unneeded detail, thereby providing implementation flexibility; and

WHEREAS, the *Agency is not required*, under Sections 33354.5 and 33354.6 of the Redevelopment Law, to follow the same procedures and the *Council is not subject* to the same restrictions provided in the Redevelopment Law for adopting a redevelopment plan, since the proposed restatement and amendments will not: (a) amend the Redevelopment Plan to add tax increment financing, (b) amend the Redevelopment Plan to add new territory to the Project, (c) amend the

Redevelopment Plan to increase either the limitation on the dollars allocated to the Agency or the time limit on establishing indebtedness, (d) amend the Redevelopment Plan to extend the duration of the Redevelopment Plan, (e) merge project areas, or (f) amend the Redevelopment Plan to add significant additional capital improvement projects; and

WHEREAS, the proposed 2004 Amendments, and certain proposed amendments to the General Plan and to the Edison Community Plan, have been environmentally reviewed under Environmental Assessment No. A-04-17/R-04-42, in compliance with the California Environmental Quality Act, resulting in a finding of Mitigated Negative Declaration (the "Environmental Assessment No. A-04-17/R-04-42"); and

WHEREAS, the Council and the Agency have reviewed and considered Environmental Assessment No. A-04-17/R-04-42 and have approved and adopted the finding of Mitigated Negative Declaration applicable to the environmental impacts identified in Environmental Assessment No. A-04-17/R-04-42; and

WHEREAS, July 19, 2004, the Edison/Merger II Citizens Planning Advisory Committee considered the 2004 Amendments and recommended that the Agency and Council approve the 2004 Amendments; and

WHEREAS, September 1, 2004, the Planning Commission of the City of Fresno (the "Planning Commission") considered the 2004 Amendments and submitted to the Council its report and recommendation concerning the 2004

Amendments and its certification that the 2004 Amendments each conform to the General Plan, including the Housing Element of the General Plan; and

WHEREAS, September 8, 2004, the Housing and Community Development Commission considered the 2004 Amendments and recommended that the Agency and Council approve the 2004 Amendments; and

WHEREAS, the 2004 Amendments did not warrant the creation of a project area committee; and

WHEREAS, the Agency has consulted with and obtained the advice of owners, residents and businesses, community organizations and others regarding the proposed 2004 Amendments, and property owners, residents and businesses, community organizations and others were given the opportunity to review the 2004 Amendments at a public information meeting on August 23, 2004; and

WHEREAS, the Council and the Agency held joint and concurrent public hearings in the Council Chambers, 2600 Fresno Street, Fresno, California, on September 28, 2004, to consider adopting the 2004 Amendments; and

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

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area as shown on the last equalized assessment roll of the County of Fresno; and

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

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

WHEREAS, the Council has considered the Agency's report to Council, and the recommendations of the Planning Commission, the Edison/Merger II Citizens Planning Advisory Committee, and the Housing and Community Development Commission concerning the 2004 Amendments, and the Planning Commission's certification that the 2004 Amendments conform to the General Plan; and

WHEREAS, *to the extent warranted by the proposed amendments*, the adopting ordinance shall contain the findings required under Section 33367, and the report and information required under Section 33352 shall be prepared and available to the public before the hearing on the 2004 Amendment (Section 33457.1); and

WHEREAS, the 2004 Amendments to amend the land use provisions of the Redevelopment Plan and otherwise merely restate the Redevelopment Plan to simplify and update the Redevelopment Plan, under the Redevelopment Law, are minor or nonmajor amendments, requiring only a finding that the Redevelopment Plan, as amended, conforms with the General Plan, and general findings regarding carrying out the 2004 Amended and Restated Plan; and

WHEREAS, December 14, 1999, the Agency Board adopted Resolution No. 1559, approving a Five-Year Implementation Plan for the Merger No. 2 Project Area that includes the Project, a copy of which is on file with the City Clerk and with the offices of the Agency; and

WHEREAS, the reports, documents, and other writings submitted to Council contain the elements under Health and Safety Code Section 33352 warranted by the 2004 Amendments, and includes the following: (1) the report and recommendations of the Planning Commission; and (2) Environmental Assessment No. A-04-17/R-04-42 that is the report required by the Public Resources Code; and

WHEREAS, the Council has provided an opportunity for all persons to be heard and has received and considered all evidence and statements presented for or against any aspect of the 2004 Amendments; and

WHEREAS, the Council has adopted written findings in response to each written objection to the 2004 Amendments from an affected taxing entity or property owner within the Project Area; and

WHEREAS, when the Council is also the Agency, the Council may adopt a plan amendment without Agency action, even as to certain recommendations (Section 33458); and

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

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

SECTION 1. The purposes and intent of the Council with respect to the 2004 Amendments are: (a) to amend the Redevelopment Plan to cause its land use plan to be the same as the General Plan and any applicable community and specific plans, as each may be amended or adopted from time to time; and (b) to update and simplify the Redevelopment Plan by streamlining its provisions and removing unneeded detail.

SECTION 2. The Council finds and determines that:

2.1 It is necessary and desirable to amend the Redevelopment Plan as set forth in the 2004 Amendments to update and streamline the Redevelopment Plan, particularly the land use element thereof, to increase plan implementation flexibility, thereby assisting the full achievement of the goals and objectives of the Redevelopment Plan, as revised by the 2004 Amendments. This finding is based on the facts as more particularly set forth in the reports to Council and in Environmental Assessment No. A-04-17/R-04-42.

2.2 The 2004 Amended and Restated Plan would 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 upon the fact that redevelopment of the Project Area, as contemplated by the Redevelopment Plan, as amended by the 2004 Amendments, will implement the objectives of the Redevelopment Law and help to alleviate conditions of blight within the Project Area and the Merger No. 2 Project Area as a whole by returning undeveloped and bypassed property to productive use; promoting the production of housing for low and moderate income families; facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties that need improvement; thereby potentially providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Project Area.

2.3 The 2004 Amendments conform to the General Plan, including, but not limited to, the Housing Element. This finding is based on the finding of the Planning Commission that the 2004 Amendments conform to the General Plan.

2.4 Carrying out of the Redevelopment Plan, as amended by the 2004 Amendments will promote the public peace, health, safety, and welfare of the City of Fresno and will achieve the purposes and policy of the Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by

the 2004 Amendments, will benefit the Project Area and the Merger No. 2 Project Area as a whole by implementing the objectives of the Redevelopment Law by eliminating and correcting blighting conditions and deterioration, and by coordinating additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Project Area and the Merger No. 2 Project Area as a whole, and that continued redevelopment of the Project Area will further promote and stimulate new private investment and redevelopment in the Project Area and the Merger NO. 2 Project Area as a whole.

SECTION 3. The 2004 Amendments will not add new territory to the Project Area, create any noncontiguous project areas, amend the boundaries of the Project Area, increase either the limitation on the number of dollars to be allocated to the Agency, or the time limit on establishing loans, advances, and indebtedness, do not lengthen the time during which the Redevelopment Plan is effective, do not merge project areas, or add significant additional capital improvement projects. Therefore, no findings related thereto are required.

SECTION 4. Council has found, in accordance with its own independent judgment that there is no substantial evidence in the record that the 2004 Amendments may have a significant effect on the environment, as identified by the mitigated negative declaration dated August 11, 2004, prepared for Environmental Assessment No. A-04-17/R04--42 (the "Environmental Assessment"), and has approved and adopted the Environmental Assessment based on the testimony and

information presented at the joint public hearing and on review and consideration of the environmental documentation provided.

SECTION 5. The Council is satisfied that its findings and determinations, as set forth above, are all the findings warranted under Health and Safety Code Section 33367 by the proposed 2004 Amendments, and so finds.

SECTION 6. The Council is satisfied that written findings have been adopted in response to any and each written objection received from an affected taxing entity or property owner either before or at the noticed joint and concurrent public hearing. Having considered all evidence and testimony presented for or against any aspect of the 2004 Amendments, the Council overrules all written and oral objections to the 2004 Amendments.

SECTION 7. The Redevelopment Plan is amended as set forth in the 2004 Amendments attached as Attachment 1. The 2004 Amended and Restated Plan is incorporated herein by this reference and designated as the official redevelopment plan for the Project Area. The Executive Director of the Agency is authorized and directed to file the 2004 Amended and Restated Plan with the City Clerk and the Secretary of the Agency as the official redevelopment plan for the Project.

SECTION 8. Ordinance No. 71-98, as amended by Ordinances Nos. 86-205, 94-113, 95-48, and 98-83 are continued in full force and effect as amended by this Ordinance.

SECTION 9. To implement and to facilitate carrying out the Redevelopment Plan, as amended by the 2004 Amendments, the Council hereby:

9.1 pledges its cooperation in helping to carry out the Redevelopment Plan as amended by the 2004 Amendments;

9.2 directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers consistent with the Redevelopment Plan, as amended by the 2004 Amendments;

9.3 stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Redevelopment Plan, as amended by the 2004 Amendments; and

9.4 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, as amended by the 2004 Amendments.

SECTION 10. The City Clerk is directed to send a certified copy of this Ordinance to the Agency and the Agency is vested with the responsibility for carrying out the Redevelopment Plan, as amended by the 2004 Amendments.

SECTION 11. The City Clerk is directed to record with the County Recorder of Fresno County a notice of the approval and adoption of the 2004 Amendments

pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the Project Area pursuant to the 2004 Amended and Restated Plan have been instituted under the Redevelopment Law. The City Clerk is further directed to record the foregoing notice.

SECTION 12. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining provisions of this Ordinance, and this Council declares that it would have passed the remainder of this Ordinance or approved the remainder of the 2004 Amendments if such invalid portion thereof had been deleted.

SECTION 13. This Ordinance shall become effective and in full force and effect at 12:00 a.m. 31 days following its final passage have expired.

Attachment 1: 2004 Amended and Restated Redevelopment Plan for the
Fruit/Church Project Area

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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 19th day of October, 2004, by the following vote.

AYES: Boyajian, Calhoun, Dages, Duncan, Perea
NOES: None
ABSENT: Castillo
ABSTAIN: None
RECUSED: Sterling
Mayor Approval: October 20, 2004
Mayor Approval/No Return: N/A, 2004
Mayor Veto: N/A, 2004
Council Override Vote: N/A, 2004

REBECCA E. KLISCH,
City Clerk

By: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM
HILDA CANTU MONTDOY
City Attorney

By: [Signature]
Sr. Deputy

AMENDED AND RESTATED
REDEVELOPMENT PLAN
FOR THE
FRUIT/CHURCH
REDEVELOPMENT PROJECT
October 20, 2004

REDEVELOPMENT AGENCY
OF THE CITY OF FRESNO

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AMENDED AND RESTATED
REDEVELOPMENT PLAN
FOR THE
FRUIT/CHURCH REDEVELOPMENT PROJECT

I. [§100] INTRODUCTION

This is the amended and restated Redevelopment Plan (the "Plan") for the Fruit/Church 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), and the Project Area Map (Attachment No. 2). The Redevelopment Agency of the City of Fresno (the "Agency") prepared this Plan (including its amendment and restatement) pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Sections 33000 et seq.), the California Constitution, and all applicable local laws and ordinances. The City Council originally adopted the redevelopment plan for the Project Area on October 7, 1971, by Council Ordinance 71-98, and after that amended it from time to time, with the last amendment being. The present Plan is the product of subsequent amendments through and including the 1998 Amendment to the Plan adopted on October 20, 1998 (Council Ordinance No. 98-63) ("collectively the 1998 Plan").

This Plan amends and restates the 1998 Plan to simplify it. It changes the land use provisions, and updates the 1998 Plan to provide implementation flexibility. It does not amend the 1998 Plan to do any of the following (a) extend plan effectiveness, (b) extend the time to pay debt and receive property taxes, (c) add new territory, (d) increase allocated tax increment maximum, (e) increase time limits on establishing loans and debt etcetera, (f) merge project areas, or (g) add significant additional capital improvement projects. The 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 (the "General Plan"), adopted by the City Council of the City of Fresno (the "City Council") on November 19, 2002.

This Plan gives the Agency powers, duties, and obligations to implement and further the program generally formulated in the Plan for the redevelopment, rehabilitation, and revitalization of the Project Area. The Plan is long-term. The Agency needs the flexibility to respond to market and economic conditions, property owners and developer interests, and redevelopment opportunities presented over time. Therefore, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any specific area within the Project Area. Nor does this Plan present

specific proposals in an attempt to solve or alleviate community concerns and problems relating to the Project Area. Instead, this Plan presents a process and basic framework within which plans will be presented, specific projects established, and specific solutions proposed. It gives the Agency tools to develop and proceed with such 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 to do the following:

- A. Correct environmental deficiencies, and eliminate blighting influences including, among others, small and irregular-shaped lots in multiple ownership, obsolete and aged building types, vacant buildings and lots, depreciated or stagnant property values and impaired investments, abnormally low lease rates, high crime rates, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities.
- B. Assemble land into parcels suitable for modern, integrated development; with improved pedestrian and vehicular circulation.
- C. Re-plan, redesign, and develop undeveloped and underdeveloped areas that are stagnant or improperly utilized.
- D. Provide opportunities for owners and tenants to participate in revitalizing their properties.
- E. Strengthen land uses and their interrelated functions.
- F. 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. Provide adequate land for parking and open space.
- H. Establish of a positive visual image through site design standards, environmental quality, and compatibility with buildings of historical importance, and other design elements that provide unity and integrity to the entire Project.

- I. Expand, improve, and preserve the community's supply of housing available at affordable housing cost to low- and moderate-income persons and families.
- K. Encourage Project Area residents to participate in formulating and implementing this Plan, thus ensuring that Plan proposals are beneficial to those who live and work within the Project Area, and to the community.

Below is a summary of existing adopted plans and policies of the City that are applicable to the Project Area:

A. City General Plan

The General Plan, adopted in 2002, contains the broad scale plans and policies and the overall framework for planning of the Project Area.

B. Area Community Plans and Specific Plans

The Project Area is within the boundaries of the Edison Community Plan. The Edison Community Plan, as amended, is designed to further refine the goals of the General Plan, and serves as the land use concept and policy framework for areas within the Project Area. Part of the Project Area is also subject to the Fresno-Chandler Downtown Airport Environs Specific Plan, which serves as the policy framework to address noise, air safety, and compatibility of adjacent development with airport operations.

II. [§200] DESCRIPTION OF PROJECT AREA

Attachment No. 1 hereto, titled "Legal Description of the Project Area Boundaries," legally describes the boundaries of the Project Area. Attachment No. 2 hereto, titled "Project Area Map," illustrates the boundaries. Each attachment is incorporated herein by this reference.

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 the following:

1. Acquiring certain real property and assembling adequate sites for developing and constructing residential, commercial, industrial, and public facilities;
2. Demolishing or removing certain buildings and improvements;
3. Providing participation opportunities to Project Area owners and tenants and extending preferences to business occupants and other tenants wanting to remain or relocate within the redeveloped Project Area;
4. Managing property that the Agency acquires or controls
5. Providing relocation assistance to displaced Project occupants;
6. Providing for the installation, construction, or reconstruction of streets, utilities, and other public improvements;
7. Disposing of property for Plan uses;
8. Developing property for Plan uses, by private and public persons; and
9. Rehabilitating structures and improvements, by owners, their successors, the Agency, and others.

In accomplishing these purposes and activities and in implementing and furthering this Plan, the Agency is authorized to 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 Within Redeveloped Project Area

1. ~~§303~~ Opportunities for Owners and Business Tenants

In accordance with this Plan and the rules for participation adopted by the Agency pursuant to this Plan and subject to the Community Redevelopment Law, the Agency shall give persons who are owners of real property in the Project Area, a reasonable opportunity

to participate in the redevelopment of the Project Area consistent with objectives of and in conformity with this Plan.

The Agency shall extend reasonable preferences to persons engaged in business in the Project Area to participate in the redevelopment of the Project Area or to reenter into business within the redeveloped Project Area if they otherwise meet the requirements prescribed in this Plan and the rules for participation adopted by the Agency.

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

The Agency will give property owners opportunities to participate in redeveloping the Project Area, and will extend reasonable preferences to businesses for re-entering business within the redeveloped Project Area. It has prepared and adopted rules for owner participation, and for extending business preferences. If conflicts develop between the desire of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; and service to the community of a participant's proposal.

Besides opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms, or institutions to join in partnerships, corporations, or other joint entities.

Participation opportunities shall be subject to, and limited by, such factors as: (1) elimination and changing of land uses; (2) construction, widening, or realignment of streets; (3) the ability of participants to finance acquisition and development or rehabilitation according to this Plan, and according to development criteria that the Agency, in implementing this Plan, adopts; (4) reduction in the total number of individual parcels in the Project Area; (5) construction or expansion of public facilities; and (6) any property acquisition of the Agency pursuant to this Plan or any other provision, statute, or local code authorizing acquisition by the Agency.

3. [§305] Participation Agreements

The Agency may require, as a condition to participating in redevelopment, that each participant shall enter a binding agreement with the Agency by which the participant agrees

to rehabilitate, develop, use and maintain the property in conformance with this Plan and to be subject to its provisions. In such agreements, participants who retain real property shall be required to join in recording any documents necessary to make provisions of this Plan applicable to their properties. Whether or not a participant enters a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

If a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the Agency may acquire the real property or any interest therein and sell or lease the real property for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

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

Under certain specified circumstances, the Agency nevertheless may acquire, through eminent domain if necessary, property it previously determined to be conforming, if acquiring such property will benefit the Project or is necessary to carry out the goals or objectives of this Plan, or for other necessary public purposes, even if the conforming property owner has continued to operate, use and maintain the real property within the requirements 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 public bodies and shall attempt to coordinate this Plan with the activities of public bodies to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, does not have the authority to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek

the cooperation of all public bodies that own or intend to acquire property in the Project Area. It will afford any public body, which owns or leases property in the Project Area, all the privileges of owner and tenant participation if the public body enters a participation agreement with the Agency as provided in Section 305 of this Plan. A public body's plans for developing property in the Project Area shall be subject to Agency approval.

The Agency may impose planning and design controls contained in or established under this Plan, on all public bodies to insure that present uses and any future development by public bodies will conform to requirements of this Plan. To the extent permitted by law, the Agency is authorized to assist, financially and otherwise, any public entity in the cost of public land, buildings, facilities, structures, or other improvements inside or outside the Project Area, where the land, buildings, facilities, structures, or other improvements benefit the Project Area or the immediate neighborhood in which the Project is located.

D. [§308] Property Acquisition

1. [§309] Real Property

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

To eliminate the conditions requiring redevelopment and to execute this Plan, it is necessary and in the public interest that the Agency employ the power of eminent domain to acquire real property in the Project Area, which it cannot acquire by gift, devise, exchange, purchase, or other lawful method. Where the Agency cannot negotiate a property purchase, the Agency, at its sole discretion, may acquire property by exercising the power of eminent domain. The Agency will commence any eminent domain proceedings within 12 years from the date that the ordinance adopting the 1998 Plan Amendment became effective.

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

The Agency is not authorized to acquire real property owned by public bodies that do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

2. [§310] Personal Property

Generally, the Agency shall not acquire personal property. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

E. [§311] Property Management

The Agency shall manage and control property in the Project Area that it owns. It may rent or lease such property pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

F. [§312] Relocation of Persons, Business Concerns, and Others Displaced by the Project

1. [§313] Assistance in Finding Other Locations

The Agency, to the extent required by law, shall assist all persons, business concerns, and others displaced by the Project in finding other locations and facilities. To carry out the Project with minimal hardship to those displaced by the Project, the Agency shall assist such persons, business concerns and others 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 displaced persons.

2. [§314] Relocation Payments

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

G. [§315] Demolition, Clearance, and Building and Site Preparation

1. [§316] Demolition and Clearance

The Agency is authorized to 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. [§317] Preparation of Building Sites

The Agency is authorized to prepare any real property it owns in the Project Area as a building site. In connection therewith, the Agency may provide for installing or constructing public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms, and other like structural forms necessary for providing or utilizing air rights sites for buildings to be used for residential, commercial, industrial, or other uses contemplated by this Plan.

The City Council must give its consent before the Agency may develop sites for commercial or industrial use by providing streets, sidewalks, utilities, or other improvements that an owner or operator of the site would otherwise be obliged to provide.

H. [§318] Property Disposition and Development

1. [§319] Real Property Disposition and Development

a. [§320] General

For the purposes of redevelopment, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust or otherwise, or to otherwise dispose of any interest in real or personal property or any interest in property. To the extent permitted by law, the Agency is authorized to dispose of property by negotiated lease, sale, or transfer without public bidding. Property that the Agency acquires for rehabilitation and resale shall be offered for resale within one year after the rehabilitation is completed, or the Agency shall publish an annual report concerning such property as required by law.

To the extent allowed by law, the Agency, without charge, may convey real property it acquires to the City and, where beneficial to the Project Area, the Agency may convey real property without charge to any public body. Except as provided in Article 9 of the Community Redevelopment Law, and excepting real property the Agency conveys to the City or any other public body, the Agency shall sell or lease all real property it acquires in the Project Area. The Agency shall condition any sale or lease on redevelopment and property use in conformity with this Plan.

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

b. [§321] Disposition and Development Documents

To ensure that this Plan will be carried out, and to prevent the recurrence of blight, all real property that the Agency sells, leases, or conveys, and all property subject to a participation agreement, are and shall be subject to this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that property development occurs pursuant 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 entry, conditions subsequent, equitable servitudes, or any other provisions the Agency deems necessary to carry out this Plan. Where the Agency determines it appropriate to do so, such documents, or portions thereof, shall be recorded in the office of the Recorder of Fresno County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, gender, sexual preference, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer, use, occupancy, tenure, or enjoyment of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as required by law including, without limitation, those clauses required by Section 33436 of the Community Redevelopment Law.

c. [§322] Development by the Agency

To the extent permitted by law, the Agency is authorized to pay for or reimburse the cost of all or part of the value of land for, and the costs to install or construct, any

publicly-owned building, facility, structure, or other improvement, either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area or the immediate neighborhood in which the project is located.

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

d. [§323] Development Plans

All public or private development plans shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to City design review standards and any design guidelines that the Agency may adopt from time to time.

2. [§324] Personal Property Disposition

For purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of any interest in personal property that the Agency acquires.

I. [§325] Rehabilitation, Conservation, and Moving of Structures

1. [§326] Rehabilitation and Conservation

The Agency is authorized: (a) to rehabilitate and conserve any building or structure it owns in the Project Area, (b) and directed to encourage and assist in rehabilitating and conserving property in the Project Area that it does not own, and (c) to acquire, rehabilitate, move, and conserve buildings or structures having historic or architectural significance.

2. [§327] Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move any

structure or building, or any structure or building which can be rehabilitated, to a location inside or outside the Project Area.

J. [§328] Low- and Moderate-Income Housing

1. [§329] Replacement Housing

In accordance with the Community 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 shall, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rent or sale to persons and families of low or moderate income an equal or greater number of replacement dwelling units at affordable housing costs within the Project Area or within the territorial jurisdiction of the Agency.

2. [§330] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, the Agency shall use not less than 20 percent of all taxes allocated to it pursuant to Section 33670 of the Community 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 Section 33334.2 to lessen or exempt such 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 provisions in Section 329, above. These funds may be used inside or outside the Project Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community 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 such Low and Moderate Income Housing Fund shall accrue to the Fund.

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

A. [§401] Redevelopment Land Uses

The land uses within the Project Area permitted in the Project are those permitted in the General Plan, and any applicable community plan and specific plans for land within the Project Area, public, semi-public and private. Specific permitted uses within the Plan Area are those that are permitted, or conditionally permitted, by the Zoning Ordinance contained in the Fresno Municipal Code, as it may be amended from time to time (the "Zoning Ordinance").

B. [§402] Designated Land Uses

1. [§403] Residential Uses

Residential uses shall be permitted where and as set forth and described in the General Plan, the applicable community plan, and applicable specific plan, as adopted or amended from time to time.

2. [§404] Industrial and Commercial Uses

Industrial and commercial uses shall be permitted where and as set forth in the General Plan, the applicable community plan, and applicable specific plan, as adopted or amended from time to time.

3. [§405] Public Uses

Public uses including, without limitation, government facilities, park, open space and parking uses, shall be permitted as set forth and described in the General Plan, the applicable community plan, and applicable specific plan, as adopted or amended from time to time.

C. [§406] Other Land Uses

1. [§407] Public Rights-of-Way

The major public rights-of-way within the Project Area including, without limitation, highways, arterial and collector streets and railroad rights-of-way, are or shall be as set forth and described in the General Plan, the applicable community plan, and applicable specific plan, as adopted or amended from time to time.

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.

Any changes in existing public rights-of-way with respect to the Project Area shall be in accordance with the General Plan, the applicable community plan, applicable specific plan, the objectives of these Plans, and the City's design standards, all as amended or adopted from time to time, and shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, railway access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed there under;
- b. Factors such as traffic safety and aesthetics; and
- c. The potential need to serve not only the Project Area but to also serve areas outside the Project Area by providing convenient and efficient vehicle and railway access.

Public rights-of-way may be used for vehicle and/or pedestrian traffic and railway access, and for public improvements, public and private utilities, and activities typically found in public rights-of-way.

2. Other Public, Semi-Public, Institutional, and Nonprofit
Uses

Wherever land within the Project Area is appropriately planned and zoned for such use, the Agency is authorized to 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 shall conform to the provisions of this Plan applicable to the uses in the specific area involved and as permitted under the General Plan, applicable

community plan, and applicable specific plan, as may be amended or adopted from time to time. The Agency may impose such other reasonable requirements and/or restrictions on such uses as may be 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 in good condition which use does not conform to the provisions of this Plan, if such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

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 of the adoption of this Plan, except in conformance with the provisions of this Plan.

1. [§411] Construction

Construction in the Project Area shall comply with both the controls and requirements of this Plan and applicable state and local laws and codes including, without limitation, specific and community plans. Compliance with this Plan does not eliminate the need to comply with applicable City planning and zoning requirements. The Agency may adopt specific performance and development standards, to control and direct redevelopment activities in the Project Area, that are in addition to applicable codes, ordinances, or other requirements governing development in the Project Area.

2. [§412] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency for retention and rehabilitation shall be repaired, reconstructed, or rehabilitated so it will be safe and sound in all physical respects and be 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 the General Plan, the applicable community plan, the Zoning Ordinance, and other applicable federal, state, and local statutes, ordinances, and regulations, as such may be amended or adopted from time to time.

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

The open space to be provided in the Project Area is the total of areas in the public right-of-way, public grounds, the space around buildings, and all other outdoor areas not permitted to be covered by buildings, and consistent with the General Plan, and any applicable community or specific plans, and applicable laws and regulations, as amended or adopted from time to time. 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, and any applicable community or specific plans, as amended or adopted from time to time.

7. [§417] Signs

All signs shall conform to City sign ordinances and other requirements, as amended or adopted from time to time. Design of all proposed new signs shall be submitted, before installation, to the Agency and/or the City for review and approval pursuant to the procedures in this Plan.

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 because of appearance, traffic, smoke, glare, noise, odor, or similar factors, as determined by the Agency, would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

10. [§420] Nondiscrimination and Non-segregation

There shall be no discrimination or segregation based upon 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 Executive Director of the Agency, the Redevelopment Administrator, or the designee in writing of the Executive Director (hereafter, the "Executive Director/designee") is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. To permit such variation, the Executive Director/designee must determine all of the following:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property 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.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation,

the Executive Director/designee shall impose such conditions necessary to protect the public health, safety, or welfare and to assure compliance with purposes of this Plan. Any variation permitted by the Executive Director/designee hereunder shall not supersede any other approval required under applicable City codes and ordinances.

Within 15 calendar days after the publication of a notice, pursuant to the applicable provisions of the Zoning Ordinance, of the Executive Director/designee's decision, the decision may be appealed to the Housing and Community Development Commission, or any other body that the Agency designates by resolution as the appropriate appellate body. Any appeal of the Executive Director/designee's decision shall be pursuant to the appeal procedures within the Zoning Ordinance.

E. [§423] Design for Development

Within the restrictions and controls established in this Plan, the Agency is authorized to establish heights of buildings, 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 within the Project Area.

No improvement shall be constructed, and no existing improvement shall be substantially modified, repaired, or rehabilitated, except in accordance with this Plan. Property subject to a disposition and development or a participation agreement with the Agency, and any other property, in the discretion of the Agency shall be developed in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One objective of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall consider good design, open space, and other amenities to enhance the aesthetic quality of the Project Area.

F. [§424] Building Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area until the Agency has approved the application for such permit as consistent with this Plan, and the permit processing is consistent with all City requirements, including, without limitation, specific and community plans.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where the Agency establishes such additional procedures and approvals, a building permit shall issue only

after the applicant has received all approvals that the City and the Agency required when the applicant applied for the permit.

V. [§500] METHODS OF FINANCING THE PROJECT

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

The Agency is authorized to 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 is authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency. The City, as it is able, may advance funds, and 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 upon taxable property within 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 (hereinafter sometimes called "taxing agencies"), is now and shall continue to be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such 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 such ordinance but to

which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Fresno, last equalized on the effective date of said ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on said effective date).

2. Except as provided in subdivision 3, below, that portion of said levied taxes each year in excess of the amount identified in subdivision 1 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 subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon 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 subdivision 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 divided and allocated to the Agency pursuant to subparagraph two, above, shall not exceed a cumulative total of \$21,000,000.

The portion of taxes mentioned in subparagraph two, above, is hereby irrevocably pledged for the payment of 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 is authorized to make such pledges to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project with tax increments beyond October 7, 2011. Loans, advances, or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund, or from establishing more debt to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness set forth herein.

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond October 7, 2021.

C. [§503] Bonds, Other Loans, and Grants

The Agency is authorized to issue bonds when it deems it appropriate to do so, to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are or shall be liable personally on the bonds because of their issuance.

The bonds and other obligations of the Agency are not and shall not be a debt of the City, the State of California, or any of the State's political subdivisions, and neither the City, nor the State or any of its political subdivisions are or shall be liable for the bonds. In no event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such 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.

Any other 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] MERGER

Article 16 of the Community Redevelopment Law provides that, by amendment in accordance with the law, two or more project areas may be merged for the benefit of combining the financial resources of the subject projects. Taxes, attributable to each of the project areas that have been merged, and allocated to the redevelopment agency pursuant to Section 33670, may be allocated to the entire merged project for the purposes and subject to the exceptions set forth in Section 33486.

The 1998 Ordinance (Council Ordinance 98-83) adopting Plan Amendments to the Fruit/Church Project Area and the 1998 Ordinance (Council Ordinance 98-82) adopting Plan Amendments to the Southwest Fresno Project Area, included provisions merging the Southwest Fresno Project Area with this Project Area. The merger of the two Project areas became effective upon the respective effective dates of the 1998 Plan Amendments of both plans. The merged project is known and referred to as the "Merger No. 2 Project Area."

VII. [§700] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan. It shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. City actions shall include, without limitation, the following:

- A. Institute and complete proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for any other necessary modifications of streets, street layout, and other public rights-of-way that may be necessary in the Project Area. Such action by the City shall include the requirement that public utility companies 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 such abandonment, removal, and relocation to be borne by persons other than those legally required to bear such cost.
- B. Provide advances, loans, or grants to the Agency or the expenditure of funds for projects implementing this Plan as deemed appropriate by the City and to the extent funds are available therefore.
- C. Institute and complete proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.

- D. Revise zoning, if necessary, within the Project Area to permit the land uses and development authorized by this Plan.
- E. Impose wherever necessary, by conditional use permits or other means, appropriate controls within the limits of this Plan on Project Area parcels to ensure their proper development and use.
- F. Provide administrative enforcement of this Plan after development. The City and the Agency shall develop and provide an enforcement program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- G. Preserve historical sites.
- H. Perform the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered, according to a schedule that permits redevelopment of the Project Area to begin and be completed without unnecessary delays.
- I. Undertake and complete any other proceedings necessary to carry out the Project.

The foregoing City actions do not commit the City to any financial outlays unless the City specifically agrees to and authorizes such outlays.

VIII. [§800] ENFORCEMENT

The Agency and/or the City shall administer and enforce this Plan, including preparing and executing any documents implementing this Plan. Either the Agency or the City, through litigation or otherwise, may enforce this Plan or other documents entered pursuant to this Plan. Remedies may include, without limitation, specific performance, damages, reentry, injunctions, or any other remedy appropriate to the purposes of this Plan. In addition, Project Area property owners may enforce any recorded provisions, which are expressly for the benefit of the property owners.

IX. [§900] DURATION OF THIS PLAN

Except the nondiscrimination and non-segregation provisions that shall run in perpetuity, this Plan shall be effective, and the documents formulated pursuant to this Plan

may be made effective, until October 7, 2011. Provided, 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. In such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, with the following exception. If the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

X. [§1000] PROCEDURE FOR AMENDMENT

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

ATTACHMENT NO. 1

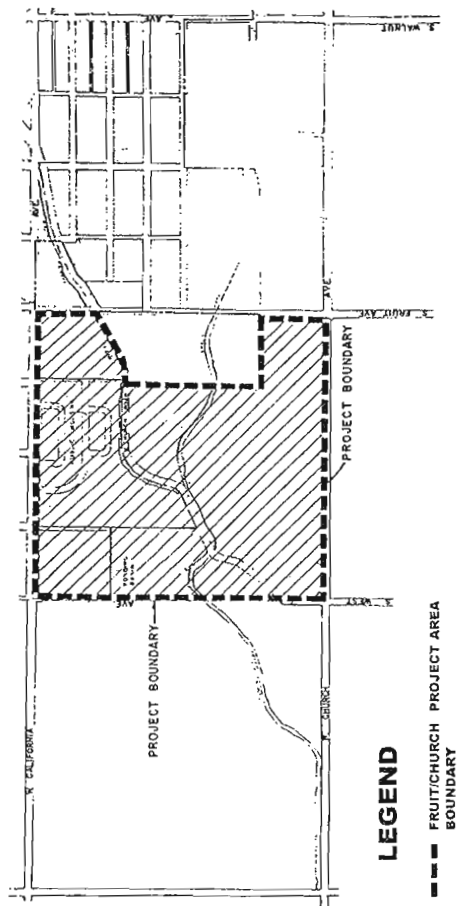
LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES

Beginning at the intersection of the south right-of-way line of West California Avenue and the projected center line of South West Avenue; thence east along the south right-of-way line of West California Avenue to the west right-of-way line of South Fruit Avenue; thence southerly along the existing and projected west right-of-way line of South Fruit Avenue to the center line of West Church Avenue; thence westerly along the center line of West Church Avenue to the center line of South West Avenue; thence northerly along the projected center line of South West Avenue to the south right-of-way line of West California Avenue enclosing the area;

EXCEPTING THEREFROM the Urban Renewal Project Area for the Urban Renewal Plan for Southwest Fresno General Neighborhood Renewal Area Project, Ordinance No. 69-13 of the City of Fresno, recorded on January 17, 1969, in Volume 5652, Page 305, Records of Fresno County.



ATTACHMENT NO. 2
PROJECT AREA MAP



REDEVELOPMENT AGENCY OF THE CITY OF FRESNO JUNE 2004	FRUIT / CHURCH PROJECT AREA PROJECT AREA BOUNDARY MAP	2
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October 20, 2004

TO: MAYOR ALAN AUTRY

FROM: REBECCA E. KLISCH, City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

Council Adoption: 10/19/04

Mayor Approval:

Mayor Veto:

Override Request:

At the Council meeting of 10/19/04, Council adopted the attached Ordinance No. 2004 -109 entitled **Approving proposed plan amndmnts as reflected by the 2004 Amended and Restated Fruit/Church Proj. Red. Plan, Item No. 5:00A-2-c**, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea
Noes : None
Absent : Castillo
Abstain : Sterling (recused)

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 October 30, 2004. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. 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.)


Alan Autry, Mayor

Date: 10/20/04

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: _____