

RESOLUTION NO. 09-08

A RESOLUTION OF THE LANCASTER REDEVELOPMENT AGENCY, DIRECTING THE PREPARATION OF THE PROPOSED AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN FOR THE LANCASTER FOX FIELD REDEVELOPMENT PROJECT, ADOPTING ITS EMINENT DOMAIN POLICY AS THAT POLICY PERTAINS TO THE PROPOSED AMENDMENT AND FINDING THAT A PROJECT AREA COMMITTEE IS NOT REQUIRED FOR SAID AMENDMENT

WHEREAS, the Lancaster Redevelopment Agency (the "Agency") is a duly constituted redevelopment agency under the laws of the State of California and pursuant to such laws is responsible for the administration and implementation of redevelopment activities within the City of Lancaster; and

WHEREAS, by its Ordinance No. 289 dated December 20, 1982, the City Council of the City of Lancaster (the "City Council") adopted the Redevelopment Plan (the "Plan") for the Lancaster Fox Field Redevelopment Project (the "Project" or the "Project Area," as appropriate) pursuant to procedures codified within the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 *et seq.*); and

WHEREAS, on December 5, 1994, the City Council adopted Ordinance No. 671 amending the Plan to conform to certain time limit requirements mandated by CCRL Section 33333.6 (Assembly Bill 1290) enacted subsequent to Plan adoption; and

WHEREAS, on June 5, 1995, the City Council adopted Ordinance No. 639, which further amended the Plan for the purpose of extending the Agency's eminent domain authority within the Project Area for a period of twelve (12) years from the effective date of Ordinance No. 639; and

WHEREAS, the Agency's eminent domain authority expired in July 2007 in accordance with the 12-year time limit codified in the Plan, as amended by Ordinance No. 639; and

WHEREAS, in accordance with CCRL Article 12, commencing with Section 33450, the City Council may amend a redevelopment plan upon the recommendation of the Agency; and

WHEREAS, to more effectively administer and implement redevelopment projects and programs in the Project Area, the Agency is proposing an amendment ("Amendment No. 2") to the Plan (hereafter the Plan, as proposed to be amended by Amendment No. 2, is referred to as the "Amended Plan") for the Project for the sole purpose of reinstating the Plan's eminent domain authority and extending that authority for the maximum permissible period of 12 years in accordance with CCRL Section 33333.4(g)(2); and

WHEREAS, it is the Agency's desire to restrict the eminent domain authority to be promulgated under the Amended Plan to preclude the taking of property within the Project Area on which any person resides; and

WHEREAS, CCRL Section 33342 provides that "[r]edevlopment plans may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area"; and

WHEREAS, CCRL Section 33385.3 requires that a Project Area Committee (PAC) be formed by an agency if the proposed redevelopment plan amendment would do either of the following:

- (1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate-income persons reside; or
- (2) Add territory in which a substantial number of low- and moderate-income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory. The project area committee may be composed of persons from only the added territory or both the added area and the existing project area; and

WHEREAS, the Agency may structure its eminent domain authority to exclude the taking of property on which any person resides; and

WHEREAS, Amendment No. 2 does not provide for the addition of new territory to the Project Area, or in any other way affect the Plan or the Project.

NOW, THEREFORE, THE LANCASTER REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The above facts are true and correct and a substantive part of this Resolution.

Section 2. The Agency directs that Agency staff prepare an amendment to the Plan for the Project to reinstate the Plan's eminent domain authority for the maximum 12-year period authorized under CCRL Section 33333.2(a)(4), from the date of adoption of Amendment No. 2.

Section 3. The Agency directs that Amendment No. 2 shall reinstate the Agency's eminent domain authority, to be used as may be necessary, appropriate, and permitted in Section 33342 of the CCRL, in all instances except the taking of property on which any person resides.

Section 4. The Agency directs that Amendment No. 2 shall consist only of the eminent domain provisions stated under Sections 2 and 3 of this Resolution, which provisions shall become the Agency's eminent domain policy to be codified in the Amended Plan.

Section 5. The Executive Director of the Agency or his/her designee, may make technical, non-material revisions to the eminent domain provisions outlined herein that may be necessary or appropriate and that do not affect the intent and purpose of those provisions.

Section 6. Approval and adoption of the eminent domain provisions to be codified in the Amended Plan as the Agency's eminent domain policy relieves the Agency of the requirement to form and operate a Project Area Committee pursuant to CCRL Section 33385.3 for Amendment No. 2.

Section 7. The Agency hereby formally directs staff and advisors to commence all aspects of Amendment No. 2 for the purpose stated in the recitals above, and authorizes and directs the officers, employees, staff, advisors, and attorneys for the Agency, to take any and all actions that may be necessary to effectuate the purposes of this Resolution and preparation of Amendment No. 2, including but not limited to the preparation, filing, and transmittal of notices, documents and other information as may be required by appropriate Sections of the CCRL and CEQA (California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*).

Section 8. Acting as the Lead Agency pursuant to CEQA, and because Amendment No. 2 is a "Project" as defined in CEQA, the Agency hereby authorizes and directs the officers, employees, staff, advisors, and attorneys for the Agency to begin CEQA compliance procedures, including preparation of an Initial Study for Amendment No. 2.

Section 9. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED and ADOPTED on this _____ day of _____, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
Agency Secretary
Lancaster Redevelopment Agency

R. REX PARRIS
Chairman
Lancaster Redevelopment Agency

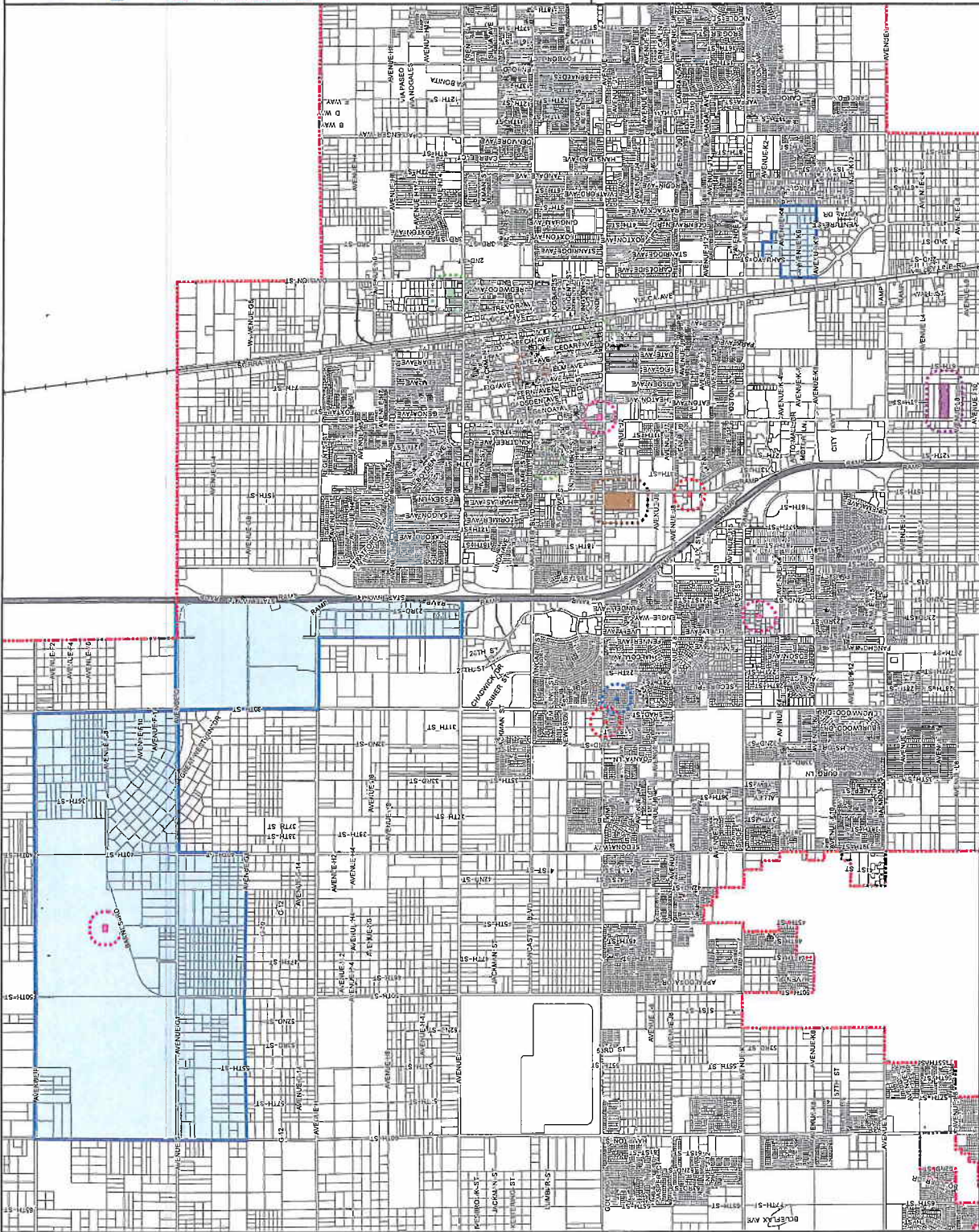
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF RESOLUTION
REDEVELOPMENT AGENCY

I, _____, _____ Lancaster Redevelopment Agency, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 09-08, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE LANCASTER REDEVELOPMENT AGENCY,
on this _____ day of _____, _____.

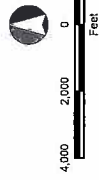
(seal)



LEGEND

- Lancaster City Limits
- Railroads
- Freeways
- Project Area
- Potential Conflict of Interests**
(Name; Position; Type of Interests)
- Mann, Ken; Council Member; Business
- Mann, Ken; Council Member; Real Property
- Marquez, Sheryl; Council Member; Business**
- Parris, R. Rex; Council Member; Business
- Parris, R. Rex; Council Member; Real Property***
- Sileo, Edward; Council Member; Business
- Smith, Ronald; Council Member; Business

* Dotted lines indicate 500 ft from parcel boundaries.
 ** Schedule C interests outside the map extent.
 *** Schedule B interests include hangar at Fox Field Airport.



Lancaster Redevelopment Agency

**PROPOSED AMENDMENT NO. 2 TO THE
 REDEVELOPMENT PLAN FOR THE
 LANCASTER FOX FIELD
 REDEVELOPMENT PROJECT**

**CITY COUNCIL / AGENCY BOARD MEMBERS
 LOCATION OF REAL PROPERTY
 AND BUSINESS INTERESTS**

(California Code of Regulations Section 18074.2)



Prepared By: Urban Futures, Inc.
 Source: Urban Futures, Inc.
 Date: 10/17/08
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