

Recording Requested by:

Redevelopment Agency of the City of Stockton

When Recorded Return to:

Goldfarb & Lipman
1300 Clay Street, 9th Floor
City Center Plaza
Oakland, CA 94612
Attn: Lynn Hutchins

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

ORDINANCE NO. **013-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STOCKTON
ADOPTING THE REDEVELOPMENT PLAN FOR THE ROUGH AND READY
ISLAND REDEVELOPMENT PROJECT PURSUANT TO THE COMMUNITY
REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA

THE CITY COUNCIL OF THE CITY OF STOCKTON DOES ORDAIN, AS FOLLOWS:

Section 1. Recitals and Background Information. Pursuant to the California Community Redevelopment Law (Health & Safety Code section 33000 et seq.) (the "Redevelopment Law"), and specifically the provisions of the Redevelopment Law related to the conversion of former military bases (Health and Safety Code section 33492 et seq.), the Redevelopment Agency of the City of Stockton (the "Agency") has prepared and submitted to the City Council for review and adoption the Redevelopment Plan for the Rough and Ready Island Redevelopment Project Area (the "Plan"). The Plan consists of twenty seven (27) pages and four (4) exhibits. A copy of the Plan is on file with the City Clerk of the City of Stockton (the "City Clerk") and is incorporated in this Ordinance by this reference. The Plan proposes a program of actions and accompanying legal authority to enable the Agency to eliminate existing blighting conditions by providing financial assistance to property owners and developers, including removal of hazardous materials and assembly of land into parcels more suitable for modern, integrated development with improved pedestrian, bicycle, and vehicular circulation; by providing installation of needed public improvements; by strengthening the economic base of the area covered by the Plan (the "Project Area"); by expanding employment opportunities; by expanding opportunities for improved visual quality of commercial and industrial areas; and by expanding and improving housing for low- and moderate-income persons.

The Project Area is situated in the City of Stockton, County of San Joaquin, State of California, and is shown on Exhibit A and more particularly described in Exhibit B, both attached hereto and by this reference incorporated herein.

CITY ATTY
REVIEW



DATE JUL 07 2004

The Agency has made studies of the impact of the Plan on the physical condition of structures, environmental influences, land use, and social, economic, and cultural conditions in the Project Area, and has determined that the program of redevelopment to be undertaken pursuant to the Plan will promote the proper redevelopment of the Project Area in accordance with the goals, objectives and policies of the City of Stockton General Plan (the "General Plan"), any applicable area plans, the Plan, and the Redevelopment Law.

The Planning Commission of the City of Stockton, which is the duly designated and acting official planning body of the City of Stockton, has submitted to the City Council its report and recommendation for approval and adoption of the Plan and has certified that the Plan conforms to the General Plan.

The Plan incorporates the land uses for the Project Area which are determined by the City's General Plan. Implementation of the Plan may require, among other things, the vacating and removal of streets of record and other public rights of way, and the establishment of new street patterns, the location of sewers, water mains, lighting and utility lines and other public facilities.

The Agency has prepared and submitted and the City Council has reviewed and considered the Report to City Council (the "Report") pursuant to Health and Safety Code sections 33352 and 33492.20, a copy of which is on file with the City Clerk. The Report is hereby incorporated in this Ordinance by this reference.

As a part of the Report, the Agency has prepared and submitted to the City Council a program for the relocation of individuals and families that may be displaced as a result of implementing the Plan.

As a part of the Report, the Agency has prepared and submitted to the City Council a program for implementation of the projects contemplated to be undertaken pursuant to the Plan.

The City Council is cognizant of the conditions that are imposed in the undertaking and implementation of redevelopment projects under State law, including those prohibiting discrimination because of race, color, creed, religion, sex, sexual orientation, marital status, national origin, or ancestry.

On June 15, 2004, and June 29, 2004, the City Council and the Agency conducted a joint public hearing which was duly noticed in accordance with the requirements of the Redevelopment Law.

At or prior to the joint public hearing on the Plan, the City Council and Agency received certain written comments on the Plan. Prior to the introduction of this Ordinance, by City Council resolution, dated July 13, 2004, and pursuant to Health & Safety Code section 33363, the City Council prepared and adopted its responses and findings (the "Findings") in writing to all written comments it received in connection with consideration of adoption of the Plan.

Section 1. Findings and Determinations. In accordance with California Health and Safety Code section 33367, and based upon the evidence contained in the Report and other

documents prepared in the Plan adoption process and on evidence presented at the public hearing, it is hereby found and determined that:

- a. The above recitals and background information are true and correct.
- b. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in, and it qualifies as an eligible area under, the Redevelopment Law (see particularly Sections A, B, D, and E and Appendices A and B of the Report regarding evidence with respect to this finding).
- c. The time limitations that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area (see particularly Sections A, B, D and E and Appendices A and B of the Report regarding evidence with respect to this finding). As indicated in Sections A and E of the Report and accompanying tax increment projections, it will require a lengthy period to generate sufficient funds to pay for the identified programs and activities to alleviate blight in the Project Area, so that it will be necessary for the Agency to have twenty years from the date of the county auditor certification described in Health and Safety Code section 33492.9 to incur debt to pay for the necessary programs and activities, thirty years from such date for the Plan to be effective, and forty-five years from such date to receive tax increment revenue in order to repay the debt incurred for the necessary programs and activities.
- d. The Plan would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety, and welfare; and the implementation of the Plan would promote the public peace, health, safety and welfare of the City of Stockton and would effectuate the purposes and policy of the Redevelopment Law (see particularly Sections A, B, and D and Appendices A and B of the Report regarding evidence with respect to this finding).
- e. The adoption and implementation of the Plan is economically sound and feasible (see particularly Sections A and E of the Report regarding evidence with respect to this finding).
- f. The Plan will afford maximum opportunity, consistent with the sound needs of the City of Stockton, as a whole, for the redevelopment of the Project Area by private enterprise (see particularly Part VI.C. of the Plan and the Agency's adopted Rules for Owner Participation and Business Tenant Preference regarding evidence with respect to this finding).
- g. The Agency has a feasible method or plan for the relocation of families and persons which may be displaced from the Project Area if the Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area (see particularly Section F the Report and the Agency's adopted Relocation Guidelines regarding evidence with respect to this finding).
- h. There are, or shall be provided, outside the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of, and

available to, such displaced families and persons and reasonably accessible to their places of employment. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 the Redevelopment Law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Redevelopment Law (see particularly Parts V.H and VI.I of the Plan and Sections F and M of the Report regarding evidence with respect to this finding).

i. Pursuant to Health and Safety Code section 33367(e), the City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area, if any, are displaced and that pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Sections A, C, F, and M of the Report regarding evidence with respect to this finding).

j. The Project Area contains no property zoned for residential use. Therefore, the City Council finds that the provision of low- and moderate-income housing outside the Project Area will be of benefit to the Project Area (see particularly Section A, B, and D of the Report regarding evidence with respect to this finding).

k. The Project Area contains approximately 1,433 acres. All areas of the Project Area are blighted or necessary for effective redevelopment, and are not included in the Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety section 33670 without substantial justification for their inclusion. The Project Area does not contain any noncontiguous areas; therefore, the finding that all noncontiguous areas of the Project Area are blighted or necessary for effective redevelopment, and are not included in the Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety section 33670, is not relevant (see particularly Sections A, B, D, and E and Appendices A and B of the Report regarding evidence with respect to this finding).

l. The inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Project Area of which they are a part; and these lands, buildings or improvements are not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Health and Safety Code section 33670 without other substantial justification for their inclusion (see particularly Sections A, B, D, and E and Appendices A and B of the Report regarding evidence with respect to this finding).

m. In order to implement and facilitate the effectuation of the Plan hereby approved and adopted, certain official action must be taken by this City Council with reference to, among other things, the establishment of new street patterns, the location of sewer and water mains, lighting and utility lines and other public facilities and other public action, and accordingly, this Council hereby (i) pledges its cooperation in helping to implement the Plan; (ii) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Plan; (iii) stands

ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan; and (iv) intends to undertake and complete any proceedings necessary to be implemented by the community under the provisions of the Plan.

n. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency (see particularly Sections A, D and E of the Report regarding evidence with the respect to this finding).

o. The condemnation of real property, if any, is necessary to the execution of the Plan and adequate provisions have been made for payment of property to be acquired as provided by law (see particularly Sections A, B, D, and F of the Report regarding evidence with respect to this finding). As indicated in Sections E and F of the Report and Part VI.B. of the Plan, the Agency will have and can commit the resources necessary to provide full compensation for any land acquisition in accordance with the requirements of law.

p. The development of the public improvements set forth in the Plan are of benefit to the Project Area and to the immediate neighborhood in which the Project is located; no other reasonable means of financing such improvements are available to the community; and the payment of funds for the acquisition of land for and the cost of such improvements will assist in eliminating one or more blighting conditions in the Project Area or provide housing for low- or moderate-income persons, and is consistent with the Agency's five-year implementation plan adopted pursuant to Health and Safety Code sections 33352(c) and 333490. Based on these findings, the Agency is authorized to pay all or a part of the value of the land for and the cost of the installation and construction of the public improvements set forth in the Plan, as permitted by Health and Safety Code section 33445 (see particularly Sections A, B, C, D, and E and Appendices A and B of the Report regarding evidence with respect to this finding).

q. The Project Area does not include agricultural land or open space land that is enforceable restricted as defined in Health & Safety Code section 33321.5(a). (See Section 4.2 of the Draft Environmental Impact Report, entitled "Port of Stockton West Complex Development Plan", dated November 2003, and Sections A and B of the Report regarding evidence with respect to this finding.)

Section 2. Overruling of Objections. All written and oral objections to the Plan are hereby overruled. In accordance with Health and Safety Code section 33363, the reasons for overruling all written and oral objections are more fully set forth in the Findings.

Section 3. Approval of Redevelopment Plan. The Plan for the Project Area, having been duly received and considered, is approved and adopted, and the City Clerk is hereby directed to file a copy of the Plan with the minutes of this meeting. The Plan, which contains, among other elements, the statement of the purpose and intent of the City Council with respect to the Project Area, is incorporated in this Ordinance by reference. The Plan is hereby designated as the official Redevelopment Plan for the Project Area. It is the purpose and intent of this City Council that the Plan be implemented in the Project Area. A copy of this Ordinance shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Plan.

Section 4. Specific Purposes of City Council. It is the specific purpose and intent of the City Council that the Plan be implemented in order to:

- a. Eliminate the conditions of blight in the Project Area;
 - b. Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against;
 - c. Encourage and ensure the appropriate development of the Project Area;
- and
- d. Encourage and foster the economic revitalization of the Project Area.

Neither the list of purposes set forth above nor the lists of goals and objectives set forth in the Plan and the Report are intended to reflect a particular priority order. Rather, it is the intention of the City Council that the Plan be implemented in a manner that will achieve an appropriate balance of the listed purposes, goals, and objectives taking into account redevelopment needs and opportunities that arise from time to time.

Section 5. Severability. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Plan. In the event that any portion of the Project Area shall be determined to have been invalidly or incorrectly included in the Project Area, such invalidly or incorrectly included portion of the Project Area shall be deemed severable from the remainder of the Project Area, and the remainder of the Project Area shall remain fully subject to the provisions of the Plan.

Section 6. Recordation. The Executive Director of the Agency is hereby directed to record the Plan in compliance with the provisions of Health & Safety Code section 33373 and Government Code section 27295.

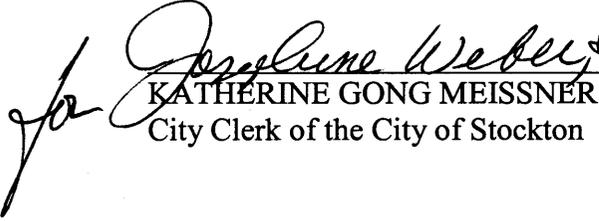
Section 7. Publication; Effectiveness. This Ordinance shall be published once in Stockton Record, a newspaper of general circulation printed and published in San Joaquin County and circulated in the City of Stockton, within fifteen (15) days from and after its adoption, and shall take effect and be enforced thirty (30) days after its adoption.

The foregoing Ordinance was duly introduced and finally adopted before the City Council of the City of Stockton, County of San Joaquin, at a regular meeting of the City Council held on the 13th day of July, 2004.

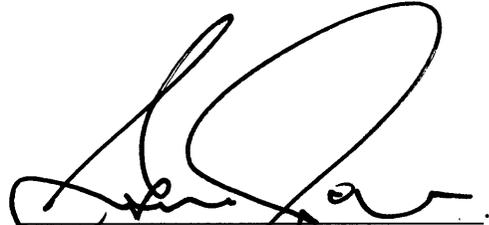
ADOPTED: **JUL 13 2004**

EFFECTIVE: **AUG 12 2004**

ATTEST:


KATHERINE GONG MEISSNER
City Clerk of the City of Stockton




GARY A. PODESTO, Mayor
of the City of Stockton

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STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

On this _____ day of _____, 2004, before me, _____, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the City Clerk of the City of Stockton that executed the within document and acknowledged to me that City of Stockton did executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____, NOTARY PUBLIC
in and for said County and State.

STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

On this _____ day of _____, 2004, before me, _____, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Mayor of the City of Stockton that executed the within document and acknowledged to me that City of Stockton did execute the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____, NOTARY PUBLIC
in and for said County and State.

PROPOSED ROUGH AND READY ISLAND REDEVELOPMENT PROJECT AREA

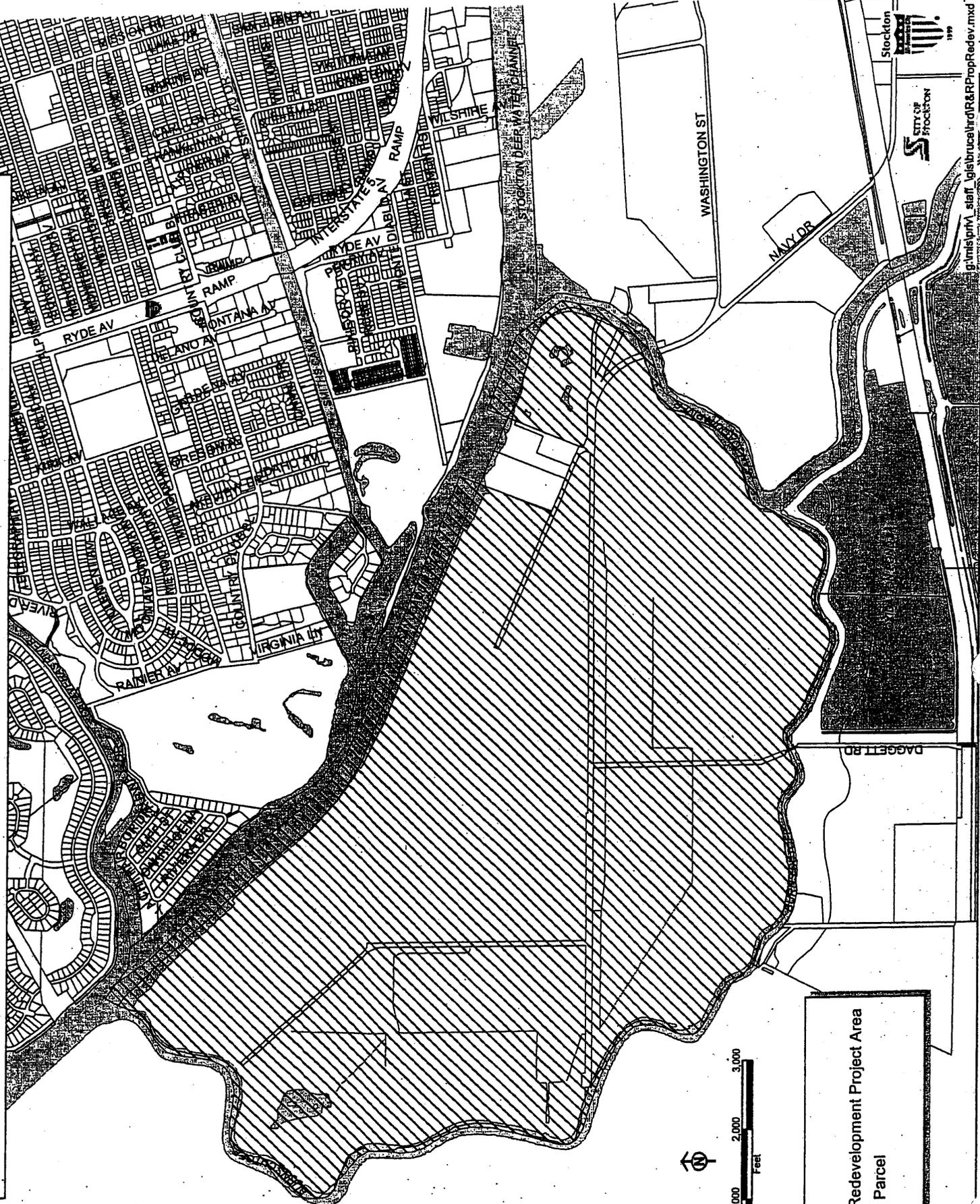


EXHIBIT A

Legend

-  Proposed Redevelopment Project Area
-  Assessor's Parcel
-  Water



EXHIBIT B

DESCRIPTION

CITY OF STOCKTON
ROUGH AND READY ISLAND
REVISED REDEVELOPMENT AREA

All that certain area for redevelopment purposes lying within the City of Stockton, County of San Joaquin, State of California, being more particularly described as follows:

PARCEL ONE

Beginning at a point marking the intersection of the Stockton Deep Water Channel with the centerline of the San Joaquin River, said point also being a point in the boundary of the City of Stockton Port Industrial Redevelopment area, said point having the coordinates of 2,170,204.1 North and 6,320,131.5 East; thence along the center line of the San Joaquin River and the westerly line of the said Port Industrial Redevelopment area the following six (6) courses:

- 1) South 38° 24' 18" East 808.62 feet;
- 2) South 12° 17' 40" West 570.81 feet;
- 3) South 33° 51' 35" West 750.00 feet;
- 4) South 70° 53' 14" West 850.00 feet;
- 5) South 30° 17' 03" West 1,200.00 feet and
- 6) South 70° 18' 24" West 1,050.00 feet to intersection with the centerline of Burns Cutoff;

thence along the centerline of Burns Cutoff the following twelve (12) courses:

- 1) South 29° 24' 48" West 318.79 feet;
- 2) South 28° 56' 32" West 572.27 feet;
- 3) South 48° 56' 58" West 246.93 feet;
- 4) WEST 248.29 feet;
- 5) North 71° 22' 38" West 418.20 feet;
- 6) North 84° 17' 44" West 143.96 feet;
- 7) South 65° 24' 01" West 252.07 feet;
- 8) South 53° 21' 21" West 279.69 feet;
- 9) South 88° 05' 01" West 160.98 feet;
- 10) North 66° 57' 58" West 1,011.75 feet;
- 11) North 49° 58' 53" West 430.20 feet and
- 12) South 87° 47' 41" West 162.58 feet to intersection with the northerly projection of the easterly line of Daggett Road and the City limits line of the City of Stockton, said point having the coordinates of 2,166,317.8 North and 6,314,252.5 East;

thence continuing along the centerline of said Burns Cutoff and the City limits line of the City of Stockton the following sixty nine (69) courses:

- 1) South 64° 43' 28" West 327.89 feet;

- 2) South 88° 43' 53" West 214.55 feet;
- 3) North 62° 21' 35" West 107.24 feet;
- 4) North 45° 55' 29" West 208.08 feet;
- 5) North 76° 47' 16" West 202.36 feet;
- 6) South 74° 15' 00" West 332.48 feet;
- 7) South 82° 59' 50" West 174.30 feet;
- 8) South 78° 03' 21" West 332.19 feet;
- 9) North 86° 17' 32" West 367.27 feet;
- 10) North 78° 52' 37" West 300.65 feet;
- 11) North 49° 01' 09" West 249.69 feet;
- 12) North 33° 59' 33" West 210.16 feet;
- 13) North 69° 39' 28" West 470.33 feet;
- 14) North 33° 10' 30" West 262.25 feet;
- 15) North 23° 05' 43" West 127.47 feet;
- 16) North 55° 54' 31" West 247.54 feet;
- 17) North 64° 46' 44" West 381.35 feet;
- 18) North 59° 03' 09" West 152.16 feet;
- 19) North 44° 33' 57" West 93.34 feet;
- 20) North 06° 40' 05" West 120.57 feet;
- 21) North 04° 24' 27" East 123.62 feet;
- 22) North 23° 05' 00" East 244.85 feet;
- 23) North 15° 37' 20" East 109.55 feet;
- 24) North 05° 24' 50" East 153.69 feet;
- 25) North 06° 14' 21" West 78.21 feet;
- 26) North 07° 21' 09" West 46.89 feet;
- 27) North 28° 48' 01" West 120.39 feet;
- 28) North 47° 33' 30" West 281.18 feet;
- 29) North 62° 48' 12" West 466.58 feet;
- 30) North 70° 21' 18" West 437.99 feet;
- 31) North 74° 17' 13" West 397.87 feet;
- 32) North 58° 56' 42" West 188.52 feet;
- 33) North 32° 05' 20" West 109.18 feet;
- 34) NORTH 124.50 feet;
- 35) North 16° 06' 51" East 466.58 feet;
- 36) North 14° 23' 52" East 518.79 feet;
- 37) North 02° 21' 28" East 255.22 feet;
- 38) North 07° 28' 38" West 161.37 feet;
- 39) North 20° 05' 30" West 180.48 feet;
- 40) North 26° 58' 25" West 141.10 feet;
- 41) North 32° 27' 25" West 243.11 feet;
- 42) North 25° 13' 48" West 63.41 feet;
- 43) North 18° 12' 07" West 136.06 feet;
- 44) North 04° 53' 22" West 170.12 feet;
- 45) North 08° 23' 22" East 195.34 feet;
- 46) North 03° 13' 34" East 257.66 feet;
- 47) North 27° 10' 13" West 190.52 feet;

- 48) North 50° 10' 14" West 349.32 feet;
- 49) North 41° 53' 11" West 479.40 feet;
- 50) North 08° 39' 43" East 345.97 feet;
- 51) North 50° 18' 12" East 568.12 feet;
- 52) North 20° 09' 29" East 326.73 feet;
- 53) North 28° 46' 15" East 156.86 feet;
- 54) North 63° 37' 46" East 197.56 feet;
- 55) EAST 220.50 feet;
- 56) South 80° 57' 54" East 286.56 feet;
- 57) South 84° 46' 40" East 233.47 feet;
- 58) North 75° 33' 46" East 242.66 feet;
- 59) North 48° 23' 50" East 155.13 feet;
- 60) North 26° 01' 55" East 132.16 feet;
- 61) North 19° 17' 02" East 112.04 feet;
- 62) North 12° 26' 06" East 132.35 feet;
- 63) North 07° 44' 30" East 219.00 feet;
- 64) North 14° 39' 24" East 235.15 feet;
- 65) North 44° 16' 42" East 210.56 feet;
- 66) North 58° 21' 04" East 272.53 feet;
- 67) North 45° 16' 27" East 147.79 feet;
- 68) North 31° 59' 08" East 153.86 feet and
- 69) North 48° 43' 47" East 127.73 feet;

thence leaving said City limits line, along the northeasterly extension of the centerline of Burns Cutoff, North 48° 43' 47" East 348.48 feet to intersection with the centerline of the Stockton Deep Water Channel said point having the coordinates of 2,175,925.9 North and 6,310,911.9 East; thence along said centerline of the Stockton Deep Water Channel South 34° 37' 00" East 125.85 feet to intersection with the City limits line of the City of Stockton; thence continuing along said centerline and the said City limits line the following eleven (11) courses:

- 1) South 34° 37' 00" East 603.05 feet;
- 2) South 44° 55' 33" East 683.24 feet;
- 3) South 47° 52' 10" East 653.30 feet;
- 4) South 49° 10' 02" East 503.55 feet;
- 5) South 43° 44' 47" East 420.12 feet;
- 6) South 39° 26' 23" East 395.90 feet;
- 7) South 41° 39' 53" East 227.90 feet;
- 8) South 42° 14' 44" East 614.30 feet;
- 9) South 57° 10' 56" East 437.29 feet;
- 10) South 66° 23' 27" East 485.65 feet and
- 11) South 64° 36' 02" East 492.31 feet;

thence leaving the City limits line of the City of Stockton and continuing along the centerline of the Stockton Deep Water Channel South 68° 37' 29" East 5,470.06 feet to the point of beginning.