

ORDINANCE NO. 2005-12

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO ELIMINATING THE TIME LIMIT ON THE ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS FOR THE ESCONDIDO REDEVELOPMENT PLAN PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B)

WHEREAS, this City Council has previously activated the Community Development Commission of the City of Escondido (the "Agency"), and by Ordinance No. 84-85, as amended from time to time, this City Council has adopted the Escondido Redevelopment Plan (the "Redevelopment Plan") for the Escondido Redevelopment Project (the "Redevelopment Project");

NOW, THEREFORE, the City Council of the City of Escondido does ordain as follows:

SECTION 1. Pursuant to California Health and Safety Section 33333.6(e)(2)(B) the time limit on the establishment of loans, advances and indebtedness required by California Health and Safety Code Section 33333.6, as established pursuant to Ordinance No. 84-85 of the City Council or otherwise for the Redevelopment Project pursuant to the Redevelopment Plan, is hereby eliminated with the force and effect set forth in Section 33333.6(e)(2)(B).

This City Council hereby finds and determines that the enactment of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) (California Code of Regulations Section 15378(b)(4)) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment. The City Clerk is hereby authorized to file a Notice of Exemption with the County of San Diego pursuant to CEQA Guidelines Section 15094.

SECTION 2. AMENDMENT TO PLAN. The Amendment to the Escondido Redevelopment Plan made pursuant to this Ordinance amends the text of the

Redevelopment Plan which previously addressed this limitation. This Ordinance amending the Redevelopment Plan is adopted pursuant to Health and Safety Code Section 33333.6(e)(2)(B) with the full force and effect provided therein, and pursuant to which neither the City Council nor the Community Development Commission of the City of Escondido is required to comply with Section 33354.6 of the California Health and Safety Code or Article 12 of the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), or any other provision thereof relating to the amendment of redevelopment plans, except that the Agency shall make the payments to affected taxing entities required by Health and Safety Code Section 33607.7, if any. The City may elect not to receive any such payments to the extent provided in Section 33607.5.

SECTION 3. NO IMPAIRMENT. This Ordinance shall not be construed to affect the validity of any bond, indebtedness or other obligation, including any mitigation agreement entered into pursuant to Section 33401, authorized by the legislative body, or the Agency pursuant to the Community Redevelopment Law, California Health and Safety Code Section 33000, et seq., prior to the Effective Date of this Ordinance, and neither shall this Ordinance be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670, to pay such indebtedness or other obligation.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days from the date of its passage and adoption.

SECTION 5. SEVERABILITY. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

SECTION 6. CERTIFICATION. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published, in accordance with Government Code section 36933, one time within 15 days of its passage in the Times Advocate, a newspaper of general circulation, printed and published in the City of Escondido.

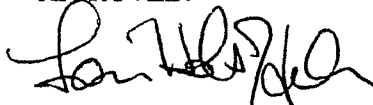
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 1st day of June, 2005 by the following vote to wit:

AYES : Councilmembers: ABED, GALLO, NEWMAN, PFEILER, WALDRON

NOES : Councilmembers: NONE

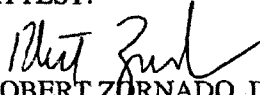
ABSENT : Councilmembers: NONE

APPROVED:



LORI HOLT PFEILER, Mayor of the City of Escondido, California

ATTEST:



ROBERT ZORNADO, Deputy City Clerk of the City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, ROBERT ZORNADO, Deputy City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2005-12 passed at a regular meeting of the City Council of the City of Escondido held on the 1st day of June, 2005 after having been read at the regular meeting of said City Council held on the 25th day of May, 2005.



ROBERT ZORNADO, Deputy City Clerk of the City of Escondido, California

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