

ORDINANCE NO. 560-A

Ordinance containing a description of the Lassen County Community Development Commission's Program to acquire real property by eminent domain in the Sierra Army Depot Redevelopment Project

The following ordinance, consisting of five sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 10th day of July, 2007, by the following vote:

AYES: Supervisors Dahle, Pyle, Keefer and Hanson

NOES: Supervisor Chapman

ABSTAIN: None

ABSENT: None

Brian Dable  
Chairman, Lassen County Board of Supervisors

Julie Bustamante  
Attest: JULIE BUSTAMANTE  
Clerk of the Board of Supervisors

I, JULIE BUSTAMANTE, Clerk of the County of Lassen, State of California, and ex-officio Clerk of the Board of Supervisors thereof, do hereby certify that the foregoing ordinance was adopted by said Board of Supervisors at a regular meeting thereof on the 10th day of July, 2007.

Julie Bustamante, County Clerk and Ex-Officio Clerk of the Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,  
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO:

WHEREAS, the County Board of Supervisors of the County of Lassen, California adopted Ordinance No. 560 on July 20, 2004, approving and adopting the Redevelopment Plan for the Sierra Army Depot Redevelopment Project; and

WHEREAS, the Community Development Commission of the County of Lassen has been designated as the official redevelopment agency in the County of Lassen to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, Section 503 of the Redevelopment Plan contains Commission authority to acquire property by eminent domain; and

WHEREAS, Section 33342.7 of the Health and Safety Code, which was added by Senate Bill 53, which took effect on January 1, 2007, requires a legislative body that adopted a redevelopment plan containing eminent domain authority before January 1, 2007, to adopt an ordinance on or before July 1, 2007, containing a description of the commission's program to acquire real property by eminent domain.

SECTION THREE. Pursuant to Section 33342.7 of the Health and Safety Code, a description of the Commission's program to acquire real property by eminent domain is set forth in Exhibit A, attached hereto and incorporated herein by this reference. The Commission's Program to acquire real property by eminent domain may be amended only by amending the Redevelopment Plan pursuant to Article 12 of the Community Redevelopment Law (commencing with Health and Safety Code Section 33450).

SECTION FOUR. The County Clerk is hereby directed to send a certified copy of this Ordinance to the Commission.

SECTION FIVE. If any part of this Ordinance is held to be invalid for any reasons, such decision shall not affect the validity of the remaining portion of this Ordinance, and the County Board of Supervisors hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**EXHIBIT A****(503) Acquisition of Real Property**

The CDC may acquire real property by any means authorized by law, including by purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, exchange, cooperative negotiations, or eminent domain. However, eminent domain may not be used by the CDC to acquire occupied residential property, or property owned by a public body without the consent of that public body. The time limit on the commencement of eminent domain shall be 12 years after the Auditor Certification Date, unless extended by amendment to this Plan.

To the extent required by law, the CDC shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless: (1) such building requires structural alteration, improvement, modernization or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner fails or refuses to participate in the Plan pursuant to Sections 506 through 509 of this Plan and applicable provisions of the Redevelopment Law.