

RECORDING REQUESTED BY:

TIBURON REDEVELOPMENT AGENCY
WHEN RECORDED RETURN TO:

Tiburon Redevelopment Agency
c/o Town Clerk
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

ORDINANCE NO. 497 N.S.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
ADOPTING A DESCRIPTION OF THE PROGRAM FOR THE ACQUISITION OF
REAL PROPERTY BY EMINENT DOMAIN AND ADOPTING A REVISED
STATEMENT OF INSTITUTION FOR THE REDEVELOPMENT PLAN FOR THE
TIBURON REDEVELOPMENT PROJECT AREA AND
TAKING RELATED ACTIONS**

WHEREAS, the Town Council of the Town of Tiburon adopted the Tiburon Project Area Redevelopment Plan by Ordinance No. 279 N. S. adopted on November 28, 1983 (the "Redevelopment Plan", establishing the Tiburon Redevelopment Project Area (the "Project Area")); and

WHEREAS, the Project Area is situated in the County of Marin, State of California, as set forth in the Redevelopment Plan for the Tiburon Redevelopment Project, recorded on December 27, 1983 as Recorder's Serial No. 83-65111, of Marin County Records; said Project Area being more particularly described on Exhibit A attached hereto; and

WHEREAS, the Redevelopment Plan authorizes the use of eminent domain under specified circumstances to acquire real property by the Redevelopment Agency of the Town of Tiburon (the "Agency"); and

WHEREAS, SB 53 added Health and Safety Code Section 33342.7 to the Community Redevelopment Law, which requires the Town Council to adopt by ordinance a description of the Agency's program to acquire real property by eminent domain; and

WHEREAS, the Agency has prepared the required description of the program (the "Acquisition Program") which is attached to and incorporated in this Ordinance as Exhibit B; and

WHEREAS, the Agency has prepared and submitted and the Town Council has reviewed and considered the staff report on this Ordinance; and

WHEREAS, the Agency staff has prepared and submitted to Town Council for review and adoption a CEQA Notice of Exemption for the Ordinance; and

WHEREAS, the Town Council has held duly-noticed public hearings on this Ordinance on May 2, 2007 and May 18, 2007; and

WHEREAS, SB 1809 added Health and Safety Code Section 33373(c) to the Community Redevelopment Law, which requires the Agency to record a revised Statement of Institution which includes a description of the Agency's program to acquire real property by eminent domain (the "Statement"); and

WHEREAS, Agency staff has prepared and submitted the Statement to the Town Council for its review and approval and said Statement is attached as Exhibit C hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIBURON:

Section 1. The Town Council hereby finds and declares that the above recitals are true and correct.

Section 2. It is hereby found and determined that the adoption of this Ordinance is required by law is thus necessary and desirable.

Section 3. In compliance with Health and Safety Code Section 33342.7, the description of the Agency's Acquisition Program for the Project Area, as set forth in the attached Exhibit B, is hereby approved and adopted.

Section 4. The Town Council hereby approves the CEQA Notice of Exemption and directs the Town Clerk to file the Notice of Exemption with the County Clerk of the County of Marin.

Section 5. The Town Council hereby approves the Statement set forth in Exhibit C attached hereto.

Section 6. The Town Clerk is hereby directed to file a copy of the Ordinance, CEQA Notice of Exemption and Statement with the minutes of this meeting. Copies of this Ordinance and the Statement shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Ordinance.

Section 7. The Executive Director of the Agency is hereby directed to record the Ordinance and the Statement in compliance with the provisions of Health and Safety Code Sections 33342.7 and 33373(c), and Government Code Section 27295.

Section 8. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance 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.

Section 9. This Ordinance shall take effect and be in full force from and after thirty (30) days from the date of its final passage.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on May 16, 2007, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on June 6, 2007, by the following vote:

AYES: COUNCILMEMBERS: Berger, Fredericks, Gram, Slavitz

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Smith

TOM GRAM, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT A

NOTE: The Legal Description of the boundaries of the Tiburon Redevelopment Project is available for public review and inspection at Tiburon Town Hall.

EXHIBIT B

PROPERTY ACQUISITION BY EMINENT DOMAIN POLICY

The Tiburon Redevelopment Agency is authorized to acquire or obtain options to acquire real property located within the Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever for the purpose of providing needed land for construction of any of the improvements set forth in Section A of the Redevelopment Plan for the Tiburon Redevelopment Project or for development of moderate-income housing.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Project Area.

Prior to any acquisition through eminent domain, the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. With the exception set forth below, the Agency is authorized, however, to acquire property devoted to a public use, if it is transferred to private ownership before the Agency completes land disposition within the Project Area.

As described in Part IV.A of the Redevelopment Plan for the Tiburon Redevelopment Project, the Town Hall and Reed School properties have been included in the Project Area as possible sites for future Agency-assisted moderate-income housing should the use of those properties by the Town and the Reed School District be discontinued. The Agency may not acquire these properties from the Town or the School District without the consent of those public bodies. As a further limitation on the Agency's land acquisition authority, the Agency may not acquire the Reed School property by the power of eminent domain from any non-public entity to which the School District may transfer the property in the future.

EXHIBIT C

REVISED STATEMENT OF INSTITUTION OF REDEVELOPMENT PLAN

THE PROPERTY THAT IS SUBJECT TO THIS STATEMENT IS IN A REDEVELOPMENT PROJECT AREA (THE "PROJECT AREA")

The Project Area is subject to the Redevelopment Plan for the Tiburon Redevelopment Project Area (the "Redevelopment Plan"). The Project Area is situated in the County of Marin, State of California, and is more particularly described on Exhibit "A" to the Redevelopment Plan for the Tiburon Redevelopment Project, recorded with the Marin County Recorder on December 27, 1983 as Serial No. 83-65111, of Marin County Records.

Proceedings for the redevelopment of the Project Area have been instituted under the Redevelopment Plan and the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*).

The Redevelopment Plan authorizes the use of eminent domain by the Redevelopment Agency of the Town of Tiburon (the "Agency") in the Project Area as set forth on pp. 18-20 of the Redevelopment Plan for the Tiburon Redevelopment Project, recorded with the Marin County Recorder on December 27, 1983 as Serial No. 83-65111, of Marin County Records, as generally described below:

PROPERTY ACQUISITION BY EMINENT DOMAIN POLICY

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Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Project Area.

Prior to any acquisition through eminent domain, the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

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As described in Part IV.A of the Redevelopment Plan for the Tiburon Redevelopment Project, the Town Hall and Reed School properties have been included in the Project Area as possible

sites for future Agency-assisted moderate-income housing should the use of those properties by the Town and the Reed School District be discontinued. The Agency may not acquire these properties from the Town or the School District without the consent of those public bodies. As a further limitation on the Agency's land acquisition authority, the Agency may not acquire the Reed School property by the power of eminent domain from any non-public entity to which the School District may transfer the property in the future.

The Agency's authorization to commence any eminent domain proceedings with respect to the Redevelopment Plan has technically expired.

Dated: June 6, 2007

Redevelopment Agency of the Town of Tiburon

Margaret A. Curran, Executive Director

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