

ORDINANCE NO. 1760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
APPROVING AND ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR
THE GARDEN GROVE COMMUNITY PROJECT

The Garden Grove Agency for Community Development ("Agency") has formulated, approved and prepared the Amended Redevelopment Plan for the Garden Grove Community Project and has recommended that the City Council approve and adopt said Amended Redevelopment Plan, subject to certain exceptions. The Planning Commission of the City of Garden Grove has submitted its reports and recommendations and has determined that the Amended Redevelopment Plan for the Garden Grove Community Project is consistent with the City General Plan pursuant to its Resolution No. 3180 and recommends approval of said Amended Redevelopment Plan, subject to certain exceptions.

The Agency has adopted rules governing participation and reentry preference for property owners, operators of businesses, and tenants within all Agency project areas including the Garden Grove Community Project Area.

The Agency has submitted the Amended Redevelopment Plan for the Garden Grove Community Project and its Report thereon to the City Council.

The Agency has approved and submitted to the City Council a report entitled "Proposed Changes to the Redevelopment Plan for the Garden Grove Community Project" which recommends changes in the boundaries of the Project Area.

A joint public hearing has been duly noticed and held by the Agency and the City Council as required by law on May 11, 1981 and continued to May 18, 1981 and June 2, 1981; all objections have been heard and passed upon by the City Council; the Agency and Council have received written and oral testimony concerning the Amended Redevelopment Plan for the Garden Grove Community Project, and have duly considered all thereof and the proceedings for the adoption of said Amended Redevelopment Plan have been duly conducted and completed as provided by law.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The purposes and intent of the City Council with respect to this Amended Redevelopment Plan are:

(A) To amend the Redevelopment Plan for the Garden Grove Community Project, by adding approximately 338 acres to the 997-acre Project Area as it existed prior to the 1979 amendment; by merging three previously adopted project areas known as the Trask Avenue Project, the Brookhurst/Chapman Project, and the Brookhurst/Katella Project; by deleting (or amending out) approximately 23 acres from the Project Area as it existed prior to the 1979 amendment; and by deleting (or amending out) 383 acres from the Project Area as it existed following the 1979 amendment.

(B) To eliminate the conditions of blight existing in the Garden Grove Community Project Area.

(C) To prevent recurrence of blighting conditions within the Garden Grove Community Project Area.

(D) To provide for participation by owners and tenants and for reentry preferences to persons engaged in business within the Garden Grove Community Project to participate in the redevelopment of the Project Area; to encourage and ensure the development of the Project Area in the manner set forth in the Amended Redevelopment Plan; and to provide for the relocation of residents, if any, displaced by the effectuation of the Amended Redevelopment Plan.

(E) To improve and construct or provide for the construction of public facilities, roads and other public improvements and to improve the quality of the environment in the Project Area to the benefit of the Project Area and the general public.

(F) To encourage and foster the economic revitalization of the Project Area by protecting and promoting the sound development and redevelopment of the Project Area and by replanning, redesigning, or developing portions of the Project Area which are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, lack of adequate utilities, and other causes.

(G) To provide housing for families of all income levels including low and moderate income families in accordance with this Plan and the needs of the community.

(H) The City Council hereby acknowledges that this Ordinance adds certain properties to the Project Area which properties were previously added thereto by Ordinance Nos. 1548 and 1699 and deletes certain properties from the Project Area which properties were, in some cases, previously added, and in other cases, previously deleted by Ordinance Nos. 1548 and 1699. The City Council further acknowledges that the validity of said Ordinances has been challenged in Wells v. All Persons Interested, et al., Case No. 325206; Adams v. City of Garden Grove, et al., Case No. 32457; and Wells v. All Persons Interested, et al., Case No. 212016.

The City Council hereby expresses its intent in adopting this Ordinance in light of the pendency of such litigation as follows:

(1) In the event, and to the extent, it is determined by final judgment that Ordinance No. 1548 and/or Ordinance No. 1699 are valid and effective, the City Council ratifies and reaffirms its prior actions in adopting said Ordinances and each of them, and intends that this Ordinance shall result in the deletion from the Project Area of all properties previously added to the Project Area which are not a part of the Project Area described in the Amended Redevelopment Plan approved and adopted by this Ordinance; and

(2) In the event and to the extent, it is determined by final judgment that Ordinance No. 1548 and/or Ordinance No. 1699 are invalid or ineffective or that said properties, or any of them, have not effectively been added to the Project Area heretofore, the City Council finds, determines, declares, ordains and intends that said properties and each of them are hereby added to the Project Area based upon and pursuant to the findings and provisions of this Ordinance.

Section 2: The City Council of the City of Garden Grove hereby approves and adopts the Amended Redevelopment Plan for the Garden Grove Community Project, as such Amended Redevelopment Plan was recommended by the Planning Commission and the Agency. Said Amended Redevelopment Plan is hereby incorporated herein by reference and is designated as the official redevelopment plan of the Project Area. The City Council having reviewed all written objections to the Amended Redevelopment Plan which have been delivered prior to the hour set for the public hearing and after considering all oral objections presented during the public hearing hereby overrules these objections.

Section 3: After due and careful consideration at the Public Hearing held on May 11, 1981, and continued to May 18, 1981 and June 2, 1981, the City Council finds and determines that the Project Area is a blighted area the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law of the State of California.

(A) CONDITIONS OF BLIGHT

(1) Much of the project area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

(a) Defective design and character of physical construction.

(b) Faulty interior arrangement and exterior spacing.

(c) High density of population and overcrowding.

(d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.

(e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

(2) It is further found and declared that the Project Area is characterized by properties which suffer from economic dislocation, deterioration, or disuse because of one or more of the following factors:

(a) An economic dislocation, deterioration, or disuse resulting from faulty planning.

(b) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(c) The laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions.

(d) The existence of inadequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment.

(e) A prevalence of depreciated values, impaired investments, and social and economic maladjustment:

(f) The existence of lots or other areas which are subject to being submerged by water; provided that any ecologically valuable existing features in such areas shall, to the maximum extent feasible, be preserved.

(B) The above described conditions of blight are causing a reduction of, or lack of, proper utilization of the property within the Project Area to such an extent that they constitute a serious physical, social, and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise alone.

(C) The implementation of the Amended Redevelopment Plan will redevelop the area in conformity with the Community Redevelopment Law of the State of California and in the interests of public peace, health, safety and welfare.

(D) The adoption and carrying out of the Amended Redevelopment Plan is economically sound and feasible.

(E) The Amended Redevelopment Plan is determined to be consistent with the General Plan of the City of Garden Grove.

(F) The carrying out of the Amended Redevelopment Plan will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policies of the Community Redevelopment Law of the State of California by significantly improving the physical and economic health of the Project Area.

(G) The condemnation of real property, as provided for in the Amended Redevelopment Plan, is necessary to the implementation of the Amended Redevelopment Plan, and adequate provisions have been made for payment for property to be acquired as provided by law. All other avenues of acquisition will be utilized to implement this Amended Redevelopment Plan prior to the use of eminent domain.

(H) The Garden Grove Agency for Community Development has a feasible plan and method for the relocation of families and persons displaced from the Project Area if the Amended Redevelopment Plan results in the temporary or permanent displacement of any occupants of housing facilities in the Project Area.

(I) There are or will be provided in the Garden Grove Community Project 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 displaced, if any, 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.

(J) The inclusion of any land, buildings or improvements in this Project Area which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Garden Grove Community Project; and any such area included is necessary for effective redevelopment and is 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 its inclusion.

(K) All noncontiguous areas of this Project Area are blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from such area pursuant to Health and Safety Code Section 33670

(L) The elimination of blight and the redevelopment of the Garden Grove Community Project Area cannot be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency.

(M) The Agency has adopted rules for Owner Participation and Re-entry into the Project Area, which rules may be amended from time to time by the Agency.

Section 4: The City Council is satisfied that permanent housing facilities will be available within three years from the time any occupants of the Project Area are displaced, if any, and 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. All other provisions of the Community Redevelopment Law with respect to relocation shall be fully complied with.

Section 5: The Amended Redevelopment Plan for the Garden Grove Community Project is expected to be financed in part from revenues derived from the allocation of taxes pursuant to Section 33670 of the Community Redevelopment Law. The City Council is convinced that the effect of tax increment financing will not cause a severe financial burden or detriment on any taxing agency deriving revenues from the Garden Grove Community Project.

Section 6: The City Council hereby declares its intention to undertake and complete any proceedings necessary to be carried out by the City of Garden Grove under the provisions of the Amended Redevelopment Plan for the Garden Grove Community Project and directs that all City departments, commissions, and officers cooperate with the Agency in carrying out the provisions of the Amended Redevelopment Plan.

Section 7: The City Council hereby certifies that the Environmental Impact Report for the Amended Redevelopment Plan for the Garden Grove Community Project, which has been prepared as required by Article 6, Section 15061 of the California Environmental Quality Act of 1970, is hereby approved and certified as complete and adequate and the City Council certifies as to its review and consideration of said Environmental Impact Report. The City Council hereby finds and determines that changes or alterations have been required in, or incorporated into the Amended Redevelopment Plan as suggested by the Environmental Impact Report in order to mitigate the significant environmental effects resulting from the adoption of the Amended Redevelopment Plan for the Project Area as identified and described in the Environmental Impact Report to an insignificant level. The City Council hereby finds and determines that the benefit to the Project Area, the surrounding community and the City of Garden Grove from the adoption of the Amended Redevelopment Plan for the Project Area outweighs any unavoidable adverse environmental impacts resulting from the adoption of the Amended Redevelopment Plan for the Project Area as identified and described in the Environmental Impact Report.

Section 8: Upon the filing of this Ordinance adopting the Amended Redevelopment Plan for the Garden Grove Community Project, the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is vested with the responsibility for carrying out said Amended Redevelopment Plan.

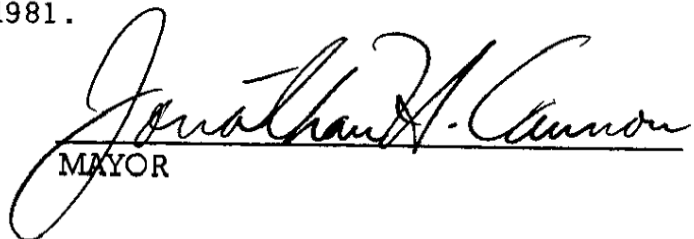
Section 9: The Public Works and Development Department of the City of Garden Grove is hereby directed, for a period of two (2) years after the effective date of this Ordinance, to advise all applicants for building permits in the Garden Grove Community Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 10: The City Clerk is hereby directed to record with the County Recorder of Orange County a description of the land within the Garden Grove Community Project Area, and a Statement that proceedings for the redevelopment of the Garden Grove Community Project have been instituted under the Community Redevelopment Law of the State of California. Additional recordation of documents may be effected pursuant to Section 27295 of the Government Code of the State of California.

Section 11: The City Clerk is hereby directed to transmit a copy of the description and statement recorded pursuant to Section 33373 of the Health and Safety Code of the State of California, a copy of this Ordinance, and a map or plat indicating the boundaries of the Garden Grove Community Project Area, to the Auditor and Tax Assessor of the County of Orange; to the officer or officers performing the functions of Auditor or Assessor for any taxing agencies which, in levying or collecting its taxes, do not use the County Assessment Roll or do not collect its taxes through the county; to the governing body of each of the taxing agencies which levies taxes upon any property in the Garden Grove Community Project and to the State Board of Equalization. Such documents shall be transmitted as promptly as practicable following the adoption of this Ordinance but in any event such documents shall be transmitted within thirty (30) days following the adoption of the Amended Redevelopment Plan for the Garden Grove Community Project.

Section 12: This Ordinance shall take effect thirty (30) days after adoption ("effective date") and shall within (15) days of adoption be published with the names of the Councilmembers voting for and against the same in the Orange County News, a newspaper of general circulation published and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove this 9th day of June, 1981.


MAYOR

ATTEST:



CITY CLERK

Ordinance No. 1760

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, CAROLYN MORRIS, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on June 2, 1981, and was passed on June 9, 1981, with vote as follows:

AYES:	COUNCILMEMBERS:	(4)	HOLLAND, KRIEGER, WILLIAMS, CANNON
NOES:	COUNCILMEMBERS:	(1)	DINSEN
ABSENT:	COUNCILMEMBERS:	(0)	NONE



CITY CLERK