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ORDINANCE NO. 98-48

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING
AND ADOPTING THE 1998 AMENDMENT TO THE URBAN RENEWAL PLAN
FOR THE MARIPOSA PROJECT.

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Redevelopment Area, the Community Redevelopment Plan for the Jefferson Redevelopment Area, the Urban Renewal Plan for the West Fresno Project One, the Urban Renewal Plan for the West Fresno Project Two and the Urban Renewal Plan for the West Fresno Project Three (the "Other Existing Redevelopment Plans"); and

WHEREAS, the Mariposa Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans provide for the merger of the area included within the Mariposa Plan (the "Mariposa Project Area") with the areas included within the Other Existing Redevelopment Plans (the "Other Existing Project Areas") and the areas included within the Proposed New Redevelopment Plans (the "Proposed New Project Areas"), which collectively are hereinafter referred to as the "Merged No. 1 Project Area;" and

WHEREAS, the purposes of the Mariposa Amendment are to: (1) increase the limitations on the time for incurring debt, the time for repaying debt and the time for the effectiveness of the Mariposa Plan, (2) increase the dollar limitation on the allocation of tax increments from the Mariposa Project Area, (3) extend the time limit of the Agency's power of eminent domain, (4) amend the land use provisions to be consistent with the current General Plan of the City of Fresno (the "General Plan"), (5) merge the Mariposa Project Area with the Other Existing Project Areas and the Proposed New Project Areas, and (6) make certain other textual changes to update and clarify certain provisions so that the provisions conform with current redevelopment law or are made consistent with existing City standards; and

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and its certification that the Mariposa Amendment conforms to the General Plan for the City of Fresno; and

WHEREAS, the Housing and Community Development Commission has considered the proposed Mariposa Amendment at a scheduled Public Hearing on June 10, 1998, and has recommended approval of the Mariposa Amendment; and

WHEREAS, the Project Area Committee ("PAC") for the Mariposa Project Area has submitted its report and recommendations concerning the Mariposa Plan, and has recommended approval of the Mariposa Plan; and

WHEREAS, the Council and the Agency held joint and concurrent public hearings on the Mariposa Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans in the Council Chambers, 2600 Fresno Street, Fresno, California, on June 23, 1998, to consider adoption of the Mariposa Amendment and certification of the Final EIR; and

WHEREAS, a notice of said joint and concurrent public hearings was duly and regularly published in the Fresno Bee, a newspaper of general circulation in the City of Fresno, once a week for four successive weeks prior to the date of said hearings, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to the last known address of each assessee of each parcel of land in the

WHEREAS, all actions required by law have been taken by all appropriate public bodies;

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The purposes and intent of the Council with respect to the Mariposa Amendment are: (1) to eliminate the significant remaining blighting influences and environmental deficiencies within the Mariposa Project Area and the Merged No. 1 Project Area as a whole; and (2) to contribute to and complement the overall goals and objectives of the Mariposa Plan and redevelopment of the Mariposa Project Area and the Merged No. 1 Project Area as a whole.

SECTION 2. The Council hereby finds and determines that:

a. It is necessary and desirable to amend the Mariposa Plan as set forth in the Mariposa Amendment in order to complete the redevelopment of the Mariposa Project Area and make possible the full achievement of the goals and objectives of the Mariposa Plan for the Mariposa Project Area. Significant blight remains within the Mariposa Project Area which cannot be eliminated without the increase in the time to establish debt and the increase in the tax increment dollar limit provided by the Mariposa Amendment. These findings are based upon the facts, as more particularly set forth in the Agency's Report, that:

(1) The Mariposa Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including deteriorated and dilapidated buildings, aged and obsolete buildings; lots of irregular form,

the Mariposa Project Area and the Merged No. 1 Project Area as a whole; by facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; by providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Mariposa Project Area; by providing for higher economic utilization of potentially useful land and buildings; and by providing additional funds to improve and increase the supply of low- and moderate-income housing within the community.

c. The adoption and carrying out of the Mariposa Amendment is economically sound and feasible. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that under the Mariposa Plan, as amended by the Mariposa Amendment, the funds available from tax increments from the Merged No. 1 Project Area and other financing sources will be sufficient to pay for the costs of the proposed public projects needed to alleviate the remaining blight conditions; the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Mariposa Project Area and the Merged No. 1 Project Area as a whole; and no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Mariposa Amendment conforms to the General Plan of the City of Fresno, including, but not limited to, the Housing Element. This finding is based on the finding of

by a public agency by negotiation or by condemnation, which laws require the payment of just compensation for any real property purchased by negotiation or condemnation; and (3) the Agency shall not proceed with any voluntary acquisition or condemnation of real property for which funds are not available.

g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Mariposa Project Area. This finding is based upon the fact that the existing Mariposa Plan and the existing Agency relocation policies, as well as the Agency's Report, contain the Agency's general method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Mariposa Project Area, and provide for relocation assistance according to law. That general method and plan for relocation will continue to apply following the adoption of the Mariposa Amendment.

h. There are, or shall be provided, in the Mariposa Project Area, Merged No. 1 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 displaced from the Mariposa Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that pursuant to the Mariposa Plan, as amended by the Mariposa Amendment, if the Agency does displace any persons or families from a dwelling unit, no person or family

upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. Shorter time limitations would also limit the revenue sources and financing capacity necessary to carry out the proposed projects in the Mariposa Project Area and the Merged No. 1 Project Area as a whole. As more particularly described in the Agency's Report, the tax increment dollar limitation has been established at an amount to ensure the Agency's ability to undertake the redevelopment activities necessary to alleviate the remaining blight conditions in the Mariposa Project Area and the Merged No. 1 Project Area as a whole.

SECTION 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Mariposa Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of Fresno at the time of their displacement.

SECTION 4. The merger of the Mariposa Project Area with the Other Existing Project Areas and the Proposed New Project Areas will result in substantial benefit to the public and will contribute to the revitalization of the blighted areas within the Merged No. 1 Project Area through the increased economic vitality of such areas and through increased and improvement housing opportunities in and near such areas by enabling the areas within the

SECTION 6. The Council is satisfied that written findings have been adopted in response to each written objection received from an affected taxing entity or property owner either before or at the noticed joint and concurrent public hearing. Having considered all evidence and testimony presented for or against any aspect of the Mariposa Amendment, the Council hereby overrules all written and oral objections to the Mariposa Amendment.

SECTION 7. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the Mariposa Amendment, as identified in Council Resolution No. 98-190, adopted on June 30th, 1998, and Agency Resolution No. 1487, adopted on June 30th, 1998, were based upon consideration of the Final EIR and are incorporated and made part of the proposed Mariposa Amendment.

SECTION 8. The Mariposa Plan, as adopted and amended by Ordinances Numbered 69-11, 72-26, 75-124, 79-112, 82-78, 86-204, 88-23, 88-116, 92-55, 94-112, 95-19, and 96-25, is hereby further amended as set forth in the Mariposa Amendment attached hereto as Attachment 1, and incorporated herein by reference. As so amended, the Mariposa Plan is hereby incorporated by reference herein and designated as the official Community Redevelopment Plan for the Mariposa Expanded Area. The Executive Director of the Agency is hereby authorized to combine the Mariposa Plan, as amended by the Mariposa Amendment into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Mariposa Plan.

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officially merged with all of the project areas for which the Other Project Merger Provisions take effect. If no Other Project Merger Provisions take effect, the Mariposa Merger Provision shall have no effect.

SECTION 13. If any part of this Ordinance or the Mariposa Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance or of the Mariposa Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Mariposa Amendment if such invalid portion thereof had been deleted. It is the specific intent of the Council that the Mariposa Merger Provision be considered wholly independent of the other provisions of the Mariposa Amendment. In the event the Mariposa Merger Provision is determined to be invalid by a court of competent jurisdiction for any reason, that circumstance shall not affect the remaining provisions of the Mariposa Amendment approved hereby.

SECTION 14. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Attachment 1: 1998 Amendment to the Urban Renewal Plan for the Mariposa Project

1998 AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE
MARIPOSA PROJECT

The Urban Renewal Plan for the Mariposa Project adopted on January 14, 1969, by Ordinance No. 69-11, as amended to date (the "Plan"), is hereby further amended as follows:

- I. Section 101 of the Plan is hereby amended to add a third paragraph to read as follows:

"As of the effective date of the ordinance approving the 1998 Amendment to the Plan (the "1998 Ordinance"), this Plan shall mean and include the Plan, as amended by the 1998 Ordinance."

- II. A new paragraph D of Section 204 of the Plan is hereby added to read as follows:

"D. Cooperation with Public Bodies

State law authorizes certain public bodies to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of the public bodies and shall attempt to coordinate this Plan with the activities of the public bodies to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, has no authority to acquire real property owned by public bodies without the consent of the public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All development plans proposed by a public body for property in the Project Area shall be subject to Agency approval. Any public body which owns or leases property in the Project Area will receive all the privileges of owner and tenant participation if the public body is willing to enter an owner participation agreement with the Agency.

To the extent the law now or hereafter permits, the Agency may assist any public entity with the cost of public land, buildings, facilities, structures, or other improvements (within or without the Project Area), when the land or improvements will be of benefit to the Project. Notwithstanding provisions of this Plan, and to the extent the law permits, the Agency may enter cooperative agreements, with any public entity or agency, on any terms acceptable to the Agency and the public entity or agency, provided the Agency determines the following: (a) the project is beneficial to the Project Area, (b) any variations from the Plan will not be detrimental to the public welfare or injurious to property or improvements in the area, (c) and the project, generally, will carry out Plan objectives. Where the public agency, such as a federal or state agency, has plan and design controls and other laws, rules, or regulations that may apply, the Agency may enter an agreement

The areas shown on the Land Use Plan Map (Revised 1998) for Commercial/Mixed Use Level 1 or Level 2 shall be used for the permitted residential, commercial, industrial and public uses set forth and described in the Central Area Community Plan.

4. Civic Center Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Civic Center uses shall be used for the permitted residential, commercial, industrial and public uses set forth and described in the Central Area Community Plan.

5. Residential Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Residential Uses shall be used for the permitted residential and commercial uses set forth and described in the Central Area Community Plan.”

VII. Section 405 of the Plan is hereby amended to read as follows:

“In order to create, protect, and maintain streets and adjacent properties as boulevards, gateways, and pedestrian-oriented streetscapes of special quality, by reason of their location within and adjacent to the Civic Center of the City and other activity centers within the Central Area, as determined by the Agency, all land uses shall be subject to the provisions of this section, in addition to the provisions of the City zoning ordinances. The requirements of this section are intended to complement and not to supersede the provisions of the Civic Center (CC) Zone District and the Civic Center Area Modifying Zone District (CCO) of the City zoning ordinances.

The following streetscape, decorative sidewalk, and sign standards may be modified by the Executive Director of the Agency to permit design flexibility when beneficial to the Project Area, promote more diverse and higher quality streetscape and pedestrian environments, and are consistent with adopted plans and policies.

(a) Special Development Requirements Along Major and Local Streets

For developable properties, a front or side yard of not less than ten (10) feet along any abutting street, along with a minimum ten (10) foot wide, decorative, sidewalk pattern, shall be required.

Street trees and trees within required yards shall be planted in a double-row configuration of sufficient quantity and size, and in such a manner as to create a “canopy effect,” provide necessary shading on the adjacent pedestrian sidewalk and to enhance the superior aesthetic quality of the proposed boulevard, gateway, and pedestrian-oriented streetscape environments.

The acquisition of the real property shown as "subject to acquisition/Phase 2" in Exhibit No. 4, "ACQUISITION PLAN" is proposed to facilitate the assembly of new sites for uses consistent with the Plan.

Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the 1998 Ordinance becomes effective."

- X. A new Section 603 is hereby added to the Plan to read as follows:

"SECTION 603 Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area."

- XI. Article VII is hereby deleted in its entirety.
- XII. Article X is hereby deleted in its entirety.
- XIII. New fifth and sixth paragraphs are hereby added to Section 1103 of the Plan to read as follows:

"The portion of taxes divided and allocated to the Agency pursuant to paragraph B. hereof shall not exceed a cumulative total of \$50,000,000.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 14, 2009. Loans, advances or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness as set forth herein. The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 1103 beyond January 14, 2019."

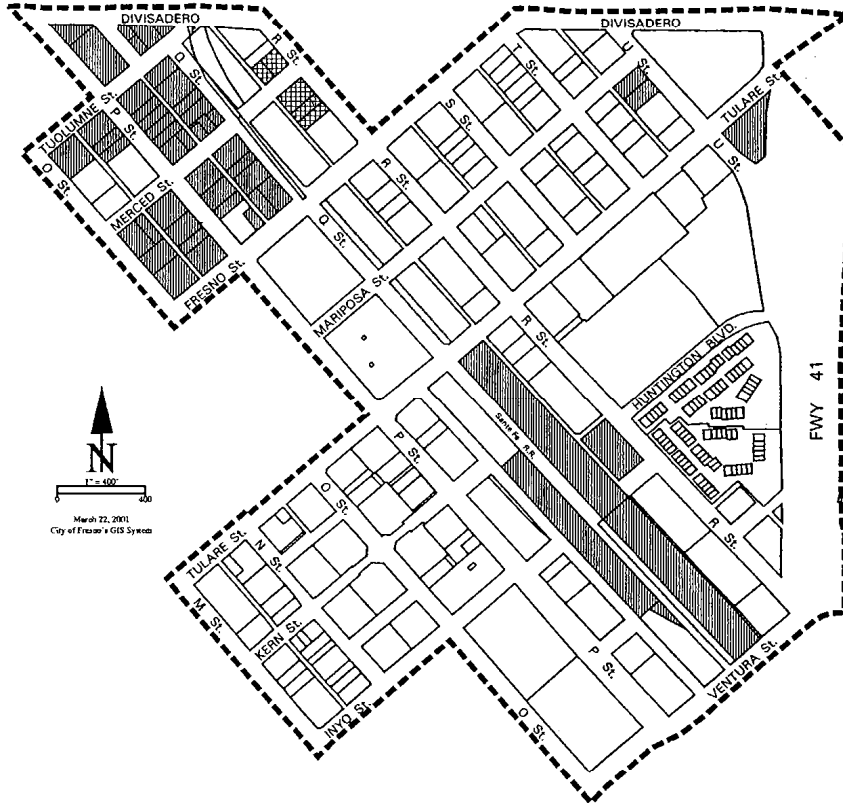
Upon the effective date of the 1998 Ordinance, the Project Area is hereby merged with those project areas for which an ordinance has become effective providing for merger with this Project Area (the "Other Merger No. 1 Ordinances"). Such other project areas may include: the areas of the existing Central Business District Amended Urban Renewal Plan, Chinatown Expanded Area Community Redevelopment Plan, Convention Center Redevelopment Plan, Jefferson Community Redevelopment Plan, West Fresno Project One Urban Renewal Plan, West Fresno Project Two Urban Renewal Plan and West Fresno Project Three Urban Renewal Plan. Other project areas may also include the areas of the proposed Redevelopment Plan for the Fulton Redevelopment Project and the proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project, if ordinances adopting such redevelopment plans, including the merger of such areas with this Project Area, become effective. Upon the effective date of the 1998 Ordinance and the Other Merger No. 1 Ordinances, the Project Area and the areas for which Merger No. 1 Ordinances become effective may hereinafter be known and referred to as the Merger No. 1 Project Area."

- XVI. The map entitled "Land Use Plan," attached as Exhibit 1 of the Plan is hereby deleted and replaced with the "Exhibit 1, Land Use Plan Map (Revised 1998)," attached hereto and incorporated herein by reference.
- XVII. The map entitled "Zone Plan," attached as Exhibit 2 of the Plan is hereby deleted and all references in the Plan thereto shall mean the "Exhibit 1, Land Use Plan Map (Revised 1998)."
- XVIII. The map entitled "Historic Structures" attached as Exhibit 3 of the Plan is hereby renumbered to Exhibit 2.
- XIX. The map entitled "Acquisition Plan," attached as Exhibit 4 of the Plan is hereby deleted and replaced with the "Exhibit 3, Acquisition Plan (Revised 1998)," attached hereto and incorporated herein by reference.
- XX. Exhibits 5 through 10 of the Plan are hereby deleted in their entirety.

MARIPOSA2.AMD




MARIPOSA PROJECT

Acquisition Plan



March 22, 2011
City of Fresno's GIS System

LEGEND

- Boundary Of Project
-  Property Subject To Acquisition / Phase 1 (in progress)
-  Property Subject To Acquisition / Phase 2
-  Property Not To Be Acquired Subject To Owner Participation

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

On July 14th 1998, before me, Jocelyne Gueret, personally appeared Rebecca E. Klisch, City Clerk, known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument(s) the person(s), or the entity upon behalf of the City of Fresno of which the person(s) acted, executed the instrument.

WITNESS my hand and official City Seal.

REBECCA E. KLISCH
CITY CLERK

BY: Jocelyne Gueret
DEPUTY

EXHIBIT A

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES FOR THE MARIPOSA PROJECT

The Urban Renewal project Area (hereinafter called the "Project Area") consists of approximately 200 acres in the City of Fresno, County of Fresno, State of California, and is described as follows:

Beginning at the intersection of the south line of Ventura Avenue with the southerly extension of the west line of South Angus Street; thence northerly along the west line of South Angus Street to its intersection with the southwest line of Bartlett Avenue; thence northwesterly along said southwesterly line and its prolongation to the northwest line of Tulare Street; thence northeasterly along the southwesterly extension of the southeasterly line and the southeasterly line of Block H of the Town of Fresno, according to map recorded in Book I, Page 26 of Plats to a point on said southeasterly line of said Block H which is twenty feet southwesterly from the most easterly corner of said block; thence continuing in a northeasterly direction to the intersection of the north line of East Tulare Street and the east line of North Angus Street; thence westerly along the north property line and projected property line of East Tulare Street-Divisadero Street to the intersection of the northeasterly extension of the northwesterly line of Fresno Street; thence southwesterly along the northwesterly property line and its north-easterly extension to the intersection of said line with the northeasterly line of R Street; thence northwesterly along said northeasterly line and its northwestern projection to the intersection with the north line of Divisadero Street; thence westerly along the north property line of Divisadero Street to the intersection of the northwesterly extension of the southwesterly line of P Street; thence southeasterly along said northwesterly projection and along said southwesterly line of P Street to its intersection with the northwesterly line of Tuolumne Street; thence southwesterly along the northwesterly line of Tuolumne Street and its southwesterly projection to its intersection with the southwesterly line of O Street; thence southeasterly along the southwesterly property line of O Street and projected property line to the intersection with the southeasterly line of Fresno Street; thence northeasterly along the southeasterly property line of Fresno Street to its intersection with the southwesterly line of P Street; thence southeasterly along said southwesterly property line of P Street to its intersection with the northwesterly line of Tulare Street; thence southwesterly along said northwesterly property line of Tulare Street and its southwesterly projection to its intersection with the southwesterly line of M Street; thence southeasterly along said southwesterly property line of M Street and projected property lines to the intersection with the southeasterly line of Inyo Street; thence northeasterly along said southeasterly line of Inyo Street and the projected property lines to the intersection with the southwesterly line of O Street; thence southeasterly along said southwesterly line of O Street and projected property lines to the intersection with the southeasterly line of Ventura Street; thence northeasterly and continuously easterly along said southeasterly line of Ventura Street to the point of beginning.