

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: County Counsel *[Signature]*

BOARD AGENDA # \*E-1

Urgent  Routine

AGENDA DATE December 16, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Approving the Amended Modesto Redevelopment Plan Clarifying that the Land Uses Described in the Plan Match the City of Modesto General Plan and the Redevelopment Agency's Master Plan

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of the ordinance;
2. Schedule approval of adoption of the ordinance; and
3. Find that the subject ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to CEQA Guidelines section 15378 (b)(2), (4), and (5).

FISCAL IMPACT:

This action will not result in an impact to the general fund. Pursuant to an Agreement between the City of Modesto and the County approved on November 5, 1991, the County does not receive a portion of future incremental property tax revenue growth over the life of the Modesto Redevelopment Project. The proposed ordinance does not affect that Agreement.

BOARD ACTION AS FOLLOWS:

No. 2008-860

On motion of Supervisor Monteith, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: District Two vacant

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION: Introduced and waived the first reading of Ordinance No. C.S. 1050

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-I-6

**DISCUSSION:**

The County of Stanislaus, through Ordinance Code section 2.06.200 and section 33213 of the Health and Safety Code, has authorized the City of Modesto and the Modesto Redevelopment Agency (RDA) to conduct redevelopment activities in the unincorporated areas of the county within the sphere of influence of the City of Modesto. Section 33213 requires the County to approve the agency's redevelopment plan and any amendments.

The Modesto RDA has proposed and the City of Modesto has adopted minor textual amendments to the Redevelopment plan to clarify that the land uses described in the plan match the City's General Plan and the RDA's Master Plan.

On October 9, 2007, the RDA adopted a new Master Plan. The Master Plan includes updated land uses and other development strategies. During the same time, the City was in the process of amending its General Plan and Master Environmental Impact Report. The RDA and the City amended the Redevelopment Plan with the following revised text on October 23, 2008, in order to ensure that all documents are consistent with each other:

"The City's General Plan designates the entire Project Area as a Redevelopment Planning District within which there may be residential, commercial, industrial and public uses. The specific land uses permitted for properties within the Redevelopment Planning District will be established by the Redevelopment Master Plan and the City's Zoning Code, and subject to the City's General Plan and, where applicable, the County's General Plan, as each may be amended from time to time."

The purpose of the RDA and the City of Modesto in making these minor textual amendments are to streamline the development process and to ensure that the RDA can work at the speed of the business community to develop within the Project Area.

Staff recommends that you approve the amendments to the Modesto Redevelopment Plan.

**POLICY ISSUE:**

Approval is consistent with the Board's property to promote effective partnerships.

**STAFFING IMPACT:**

There is no staffing impact associates with this request.

ORDINANCE NO. C.S. \_\_\_\_\_

**AN ORDINANCE APPROVING THE AMENDED MODESTO REDEVELOPMENT PLAN CLARIFYING THAT THE LAND USES DESCRIBED IN THE PLAN MATCH THE CITY OF MODESTO GENERAL PLAN AND THE REDEVELOPMENT AGENCY'S MASTER PLAN.**

**WHEREAS**, the County has adopted Ordinance Code sections 2.06.050, 2.06.060 and 2.06.200 in accordance with section 33212 of Division 24, Part 1, Chapter 3, Article 2 the California Health and Safety Code, authorizing the city of Modesto and the Modesto Redevelopment Agency ("RDA") to conduct redevelopment activities in the unincorporated areas of the County within the sphere of influence of the City of Modesto; and

**WHEREAS**, pursuant to section 33212 of the California Health and Safety Code the redevelopment plan of the Modesto RDA shall be approved by ordinance adopted by the Board of Supervisors; and

**WHEREAS**, the RDA adopted a Redevelopment Master Plan on October 9, 2007 (the "Master Plan") which provides updated goals and implementation strategies that respond to current and emerging trends in Modesto and refines and is intended to help implement the Redevelopment Plan; and

**WHEREAS**, on October 14, 2008, the City of Modesto adopted an Amendment to the City's Urban Area General Plan ("General Plan Amendment"), and the Redevelopment Plan and the Master Plan are both incorporated by reference into the General Plan Amendment; and

**WHEREAS**, on October 28, 2008, the City of Modesto and the RDA held a joint public hearing where minor textual amendments to the Redevelopment Plan were considered and adopted by ordinance No. 3496-C.S., to clarify that the land uses described in the plan match the City of Modesto General Plan and the redevelopment agency's Master Plan; and

**WHEREAS**, said ordinance is attached hereto and incorporated herein and made a part hereof as Exhibit A.

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:**

**Section 1.** The Redevelopment Plan of the Modesto Redevelopment Agency as subsequently amended by City of Modesto Ordinance Nos. 2269-C.S., 2793-C.S., 2931-C.S., 3454-C.S., and further amended by 3496-C.S., as set forth in Exhibit A is hereby approved.

**Section 2.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_ seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Jim DeMartini, Vice-Chairman  
of the Board of Supervisors of the  
County of Stanislaus, State of California

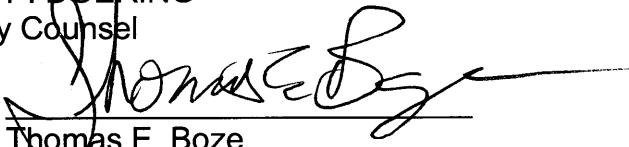
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the  
Board of Supervisors of the County of Stanislaus,  
State of California

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
\_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel

ORDINANCE NO. 3496-C.S.

ORDINANCE AMENDING ORDINANCE NOS. 2203-C.S., 2269-C.S., 2793-C.S.,  
2931-C.S., 3454-C.S., AND APPROVING AND ADOPTING AN AMENDMENT  
TO THE AMENDED REDEVELOPMENT PLAN FOR THE MODESTO  
REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Modesto (the "City Council") adopted Ordinance No. 2203-C.S. on July 12, 1983, approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Redevelopment Project") pertaining to the "Original Project Area," and subsequently adopted Ordinance No. 2269-C.S. on June 19, 1984, amending the Redevelopment Plan to make certain modifications as required by law; and Ordinance No. 2793-C.S. on November 5, 1991, approving and adopting an Amended Redevelopment Plan, and adding certain area (the "Added Area") to the Redevelopment Project Area; and

WHEREAS, because the Added Area includes certain areas located within the unincorporated area of the County, the Board of Supervisors of the County of Stanislaus adopted Ordinance No. C.S. 423 on December 4, 1990, authorizing the Agency (as defined below) to redevelop certain portions of the County, and adopted Ordinance No. C.S. 454 on November 19, 1991, approving and adopting the Amended Redevelopment Plan; and

WHEREAS, on November 22, 1994, the City Council adopted Ordinance No. 2931-C.S., and on December 20, 1994, the Board of Supervisors adopted Ordinance No. C.S. 580, establishing and amending certain limitations with respect to the Redevelopment Plan, as required by law; and on October 2, 2007, the City Council adopted Ordinance No. 3454-C.S., and on Jan 15, 2008, the Board of Supervisors adopted Ordinance No. C.S.-1019, to further

amend certain time limitations with respect to the Redevelopment Plan (the term "Redevelopment Plan" refers to the Redevelopment Plan as amended to date); and

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Modesto 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, in furtherance of the Redevelopment Plan, the Agency adopted a Modesto Redevelopment Master Plan on October 9, 2007 (the "Master Plan") which provides updated goals and implementation strategies that respond to current and emerging trends in Modesto and refines and is intended to help implement the Redevelopment Plan; and

WHEREAS, on October 14, 2008, the City of Modesto adopted an Amendment to the City's Urban Area General Plan ("General Plan Amendment"), and the Redevelopment Plan and the Master Plan are both incorporated by reference into the General Plan Amendment; and

WHEREAS, in conjunction with the General Plan Amendment, the Agency has prepared a proposed Amendment to the Redevelopment Plan (the "Amendment") which would make a minor, technical modification to the Redevelopment Plan to ensure that the land uses specified in the Redevelopment Plan conform to the land use designations specified in the Redevelopment Master Plan, the City's Urban Area General Plan and, where applicable, the County's General Plan; and

WHEREAS, the Amendment does not change or expand the boundaries of the Redevelopment Project Area, nor does it amend any of the other limits or provisions currently

established under the existing Redevelopment Plan, and also does not modify the land uses established for the properties within the Redevelopment Project Area, and is not intended to modify the Agency's redevelopment activities or the goals and objectives of the Agency to redevelop the Redevelopment Project Area; and

WHEREAS, on September 8, 2008, the Planning Commission of the City of Modesto (the "Planning Commission") reviewed the proposed Amendment and recommended the approval and adoption of the Amendment, together with its certification that the Amendment conforms to the General Plan of the City of Modesto, as amended by the General Plan Amendment; and

WHEREAS, the City of Modesto prepared a Master Environmental Impact Report (the "General Plan MEIR") for the Urban Area General Plan Update (SCH No. 2007072023) pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereinafter referred to as "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Section 15000 et seq., hereinafter referred to as the "State CEQA Guidelines") and procedures adopted by the City relating to environmental evaluation; and

WHEREAS, the Urban Area General Plan MEIR was certified as completed by the City Council on October 14, 2008, by Resolution No.2008-582 and certain findings were made relating to the Urban Area General Plan Update; and

WHEREAS, a Program Environmental Impact Report for the Redevelopment Master Plan (SCH No. 2006071118) ("Master Plan EIR") was also previously certified as completed by

the Agency on October 9, 2007, by Resolution No. 10-2007, and the Agency made findings and adopted mitigation measures and a mitigation monitoring plan relating to the Redevelopment Master Plan; and

WHEREAS, the City Council has received from the Agency the proposed Amendment, together with the Report of the Agency on the Amendment; and

WHEREAS, the City Council and the Agency held a joint public hearing on October 28, 2008, on adoption of the Amendment; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Modesto, as required by law, 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 public hearing, together with a statement concerning acquisition of property by the Agency, were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Redevelopment Project Area, as shown on the last equalized assessment roll of the County of Stanislaus; and

WHEREAS, copies of the notice of public hearing were mailed by first-class mail to all residential and business occupants within the Redevelopment Project Area; and

WHEREAS, copies of the notice of public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Redevelopment Project Area; and



WHEREAS, the Council has considered the Report of the Agency and the report and recommendation of the Planning Commission, the Amendment, and provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Amendment; and

WHEREAS, the Agency and the City Council have reviewed and considered the General Plan MEIR, as it pertains to the Amendment, and have determined that adoption of the Amendment will not have a significant effect on the environment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The purposes and intent of the City Council with respect to the Amendment are to make a minor, technical modification to the Redevelopment Plan to ensure that the land uses specified in the Redevelopment Plan conform to the land use designations specified in the Redevelopment Master Plan, the City's Urban Area General Plan and, where applicable, the County's General Plan. The Amendment does not change or expand the boundaries of the Redevelopment Project Area; does not amend any of the other limits or provisions currently established under the existing Redevelopment Plan; does not modify the land uses established for the properties within the Redevelopment Project Area; and is not intended to modify the Agency's redevelopment activities or the goals and objectives of the Agency to redevelop the Redevelopment Project Area.

Section 2. The City Council does hereby specifically find and determine that:

a. Both at the time the Redevelopment Plan was originally adopted with respect to the Original Project Area, and when subsequently amended to add the Added Area, the City Council found and determined that the Redevelopment Project Area (including the Original Project Area and the Added Area, respectively) is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law. Since adoption of the Redevelopment Plan, the Agency has been successful in meeting many of its goals. However, conditions of blight still remain throughout the Redevelopment Project Area. The Amendment will not add additional area to the Redevelopment Project Area, but will merely enable the Agency to continue its efforts to implement the existing Redevelopment Plan, and ensure that the land uses specified in the Redevelopment Plan conform to the land use designations specified in the Redevelopment Master Plan, the City's Urban Area General Plan and, where applicable, the County's General Plan.

b. The Amendment will enable the Redevelopment Project Area to continue to be redeveloped in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that adoption of the Amendment will enable the Agency to continue to implement the goals and objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Redevelopment Project Area; providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; providing adequate land for parking and open spaces; providing affordable housing, including housing for low- and moderate-income persons; providing additional employment opportunities; providing for higher economic utilization of potentially useful land;

and enabling programs to continue to strengthen the retail and other commercial functions in the Redevelopment Project Area.

c. The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based upon the fact that under the Redevelopment Plan the Agency is authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance depends on the amount and availability of such financing resources, including tax increments generated by new investment in the Redevelopment Project Area; and that under the Redevelopment Plan no public redevelopment activities will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity. The Amendment does not modify any of these existing provisions, but merely enables the Agency to continue its efforts to implement the existing Redevelopment Plan, and ensure that the land uses specified in the Redevelopment Plan conform to the land use designations specified in the Redevelopment Master Plan, the City's Urban Area General Plan and, where applicable, the County's General Plan.

d. The Amendment is consistent with the General Plan of the City of Modesto, as amended by the General Plan Amendment, including, but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code (the State housing laws). This finding is based on the report of the Planning Commission that the Amendment conforms to the General Plan of the City of Modesto, as amended by the General Plan Amendment.

e. The carrying out of the Amendment will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon the fact that the continued implementation of the Redevelopment Plan, as amended by the Amendment, will benefit the Redevelopment Project Area by enabling the Agency to continue its efforts to implement the existing Redevelopment Plan and correct conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Redevelopment Project Area, all in conformance with the Redevelopment Master Plan, the City's Urban Area General Plan and, where applicable, the County's General Plan.

f. The Agency's authority to acquire real property by condemnation or eminent domain, as set forth in Section 308 of the Redevelopment Plan, has expired and is no longer in force and effect. The Amendment does not authorize the use of eminent domain or extend or modify this previously expired authority, therefore the finding regarding condemnation of real property (set forth in Health and Safety Code Section 33367(d)(6)) is not applicable to the approval and adoption of the Amendment.

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 Redevelopment Project Area. This finding is based upon the fact that the Amendment itself will not result in the displacement of any persons or families, temporarily or permanently, from housing facilities in the Redevelopment Project Area. The sole purpose of the proposed Amendment is to make minor, technical modifications to the language in the land use sections of

the Redevelopment Plan to ensure conformity between the Redevelopment Plan, the Master Plan (which is incorporated in the City's General Plan), the City's General Plan and, to the extent applicable, the County's General Plan. The Amendment will not modify or amend any of the goals or objectives of the Agency, or any of the Agency's proposed projects, programs or activities authorized under the Redevelopment Plan. No displacement or relocation of persons or families will occur as a result of the proposed Amendment. In the event any relocation does become necessary as a result of implementation of the Redevelopment Plan, the Agency will assist all persons, business concerns, and others displaced by the Redevelopment Project in finding other locations and facilities, pursuant to federal and state law for the new location and facilities. Further, the existing Redevelopment Plan provides for relocation assistance according to law.

h. There are, or are being provided, within the Redevelopment Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Redevelopment 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. This finding is based upon the fact that the Amendment will not result in the displacement of any persons or families, temporarily or permanently, from housing facilities in the Redevelopment Project Area because the sole purpose of the proposed Amendment is to make minor, technical modifications to the language in the land use sections of the Redevelopment Plan to ensure conformity between the Redevelopment Plan, the Master Plan (which is incorporated in the City's General Plan), the City's General Plan and, to the extent applicable, the County's General Plan. Further, the existing

Redevelopment Plan provides that no person or family will be required to move from any dwelling unit in the Redevelopment Project Area until suitable replacement housing is available.

i. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units housing persons and families of low or moderate income within the Redevelopment Project Area shall not be removed or destroyed prior to the adoption of the replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5. This finding is based upon the fact that the Amendment will not result in the displacement of any persons or families, temporarily or permanently, from dwelling units in the Redevelopment Project Area because the sole purpose of the proposed Amendment is to make minor, technical modifications to the language in the land use sections of the Redevelopment Plan to ensure conformity between the Redevelopment Plan, the Master Plan (which is incorporated in the City's General Plan), the City's General Plan and, to the extent applicable, the County's General Plan.

j. The Amendment does not add territory to the Redevelopment Project Area, therefore the finding regarding noncontiguous areas (set forth in Health and Safety Code Section 33367(d)(9)) is not applicable to the approval and adoption of the Amendment.

k. The Amendment does not add territory to the Redevelopment Project Area, therefore the finding regarding the inclusion of non-blighted lands, buildings and improvements in the Redevelopment Project Area (set forth in Health and Safety Code Section 33367(d)(10)) is not applicable to the approval and adoption of the Amendment.

l. The elimination of blight and the redevelopment of the Redevelopment Project Area could not be reasonably expected to be accomplished by private enterprise acting

alone without the aid and assistance of the Agency. This finding is based upon the continued existence of blighting influences, including the lack of adequate public improvements, and the inability of individual developers to economically remove these blighting influences without public assistance to acquire and assemble sites for development, and the provision of public improvements, facilities and utilities, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.

m. The Amendment does not add territory to the Redevelopment Project Area, therefore the finding that the Redevelopment Project Area is a predominantly urbanized area (set forth in Health and Safety Code Section 33367(d)(12)) is not applicable to the approval and adoption of the Amendment.

n. The Amendment does not modify or amend any of the time limits or the limitation on the number of dollars to be allocated to the Agency that are contained in the Redevelopment Plan, therefore the finding regarding limitations contained in the Redevelopment Plan (set forth in Health and Safety Code Section 33367(d)(13)) is not applicable to the approval and adoption of the Amendment.

o. The implementation of the Amendment will improve or alleviate the physical and economic conditions of blight in the Redevelopment Project Area, as described in the Report to Council prepared pursuant to Health and Safety Code Section 33352. This finding is based on the fact that the adoption of the Amendment is not intended to modify the Agency's redevelopment activities or the goals and objectives of the Agency to redevelop the Redevelopment Project Area, but will enable the Agency to continue to implement the goals and

objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Redevelopment Project Area; providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; providing adequate land for parking and open spaces; providing affordable housing, including housing for low- and moderate-income persons; providing additional employment opportunities; providing for higher economic utilization of potentially useful land; and enabling programs to continue to strengthen the retail and other commercial functions in the Redevelopment Project Area. This findings is further based on the information contained in the Agency's Report to Council, prepared pursuant to Health and Safety Code Sections 33457.1 and 33352.

Section 3. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Redevelopment Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Modesto at the time of their displacement. The Redevelopment Plan provides that no persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.



Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing.

Section 5. The findings and determinations, as identified in Council Resolution No. 2008-611 and Agency Resolution No. 20-2008, adopted on October 28, 2008, considering and making findings as to the General Plan MEIR, are incorporated into this Ordinance by reference and made a part of the Amendment.

Section 6. The Redevelopment Plan for the Redevelopment Project, as adopted by Ordinance No. 2203-C.S., and as subsequently amended by Ordinance Nos. 2269-C.S., 2793-C.S., 2931-C.S., and 3454-C.S. is hereby further amended as set forth in the proposed "Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project", incorporated herein and made a part hereof by reference. As so amended, the Redevelopment Plan is hereby incorporated by reference herein and designated as the official Redevelopment Plan for the Modesto Redevelopment Project.

The Executive Director of the Agency, as he/she deems necessary, is hereby authorized to combine the existing Redevelopment Plan, as further amended by the Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan in place of the document currently constituting said Redevelopment Plan.

Section 7. In order to implement and facilitate the effectuation of the Amendment hereby approved, it may be necessary for the City Council to take certain actions, and

accordingly, this City Council hereby (a) pledges its cooperation in helping to carry out the Amendment; (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Redevelopment Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Redevelopment Project Area pursuant to the Amendment; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amendment; and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Amendment.

Section 8. Ordinance No. 2203-C.S., and the subsequently adopted Ordinance Nos. 2269-C.S., 2793-C.S., 2931-C.S., and 3454-C.S., are continued in full force and effect, except as amended by this Ordinance.

Section 9. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan as amended by the Amendment.

Section 10. The City Clerk is hereby directed to record with the County Recorder of Stanislaus County a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Redevelopment Project Area pursuant to the Amendment have been instituted under the California Community Redevelopment Law.

Section 11. Effective Date. This Ordinance shall be in full force and effect ninety (90) days after its passage.

Section 12. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Modesto, California.

Section 13. Severability. If any part of this Ordinance, or the Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amendment, if such invalid portion thereof had been deleted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2008, by Councilmember Olsen, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:


AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3496-C.S.


FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of November, 2008, Councilmember Lopez moved its final adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
STEPHANIE LOPEZ, City Clerk

Effective Date: February 4, 2009

ORDINANCE C.S. 1050

NOTICE IS HEREBY GIVEN that on January 6, 2009, at 9:00 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the adoption and the waiving of the second reading of Ordinance C.S. 1050. This ordinance approves the Amended Modesto Redevelopment Plan clarifying that the land uses described in the Plan match the City of Modesto General Plan and the Redevelopment Agency's Master Plan.

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, call Thomas Boze in the Stanislaus County Counsel's Office at 209-525-6376.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: December 16, 2009

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY: Elizabeth A. King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Dec 27, 2008

-----

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California** on

December 30th, 2008

(Signature)

*Neoma Felix*

**ORDINANCE C.S. 1050**

NOTICE IS HEREBY GIVEN that on January 6, 2009 at 9:00 a.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA to consider the adoption and waiving of the second reading of Ordinance C.S. 1050. This ordinance approves the Amended Modesto Redevelopment Plan clarifying that the land uses described in the Plan match the City of Modesto General Plan and the Redevelopment Agency's Master Plan.

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, call Thomas Boze in the Stanislaus County Counsel's Office at 209-525-6376.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: December 16, 2009

ATTEST: CHRISTINE FERRARO  
TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California BY: Elizabeth A. King, Assistant Clerk of the Board

Pub Dates Dec 27, 2008