

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MILPITAS FINDING AND DETERMINING THAT A PROJECT AREA COMMITTEE NEED NOT BE FORMED IN RELATION TO THE PROPOSED THIRTEENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 AND THE PROPOSED SIXTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREAT MALL REDEVELOPMENT PROJECT

WHEREAS, by Resolution No. 230, adopted on June 3, 1958, the City Council of the City of Milpitas (“City Council”) formed the Milpitas Redevelopment Agency (“Agency”) to formulate a redevelopment project or projects within the City of Milpitas; and

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council adopted the redevelopment plan (“Redevelopment Plan” or “Plan”) for the Milpitas Redevelopment Project Area No. 1 (“Original Project Area”); and

WHEREAS, the Redevelopment Plan has been amended a total of twelve (12) times (as amended, the “Existing Plan”) to, among other things, add area to the Original Project Area (as amended, the “Project Area”), merge the Project Area with the Great Mall Redevelopment Project, increase the tax increment and bonded indebtedness limits, and extend the dates to incur debt, repay debt and collect tax increment; and

WHEREAS, on November 2, 1993, by Ordinance No. 192.8, the City Council adopted the redevelopment plan for the Great Mall Redevelopment Project (“Great Mall Redevelopment Plan”); and

WHEREAS, the Great Mall Redevelopment Plan has been amended a total of five (5) times to, among other things, add territory and merge with the Original Project Area (the “Merged Project Area”); and

WHEREAS, the Agency again desires to amend the Existing Plan (“Thirteenth Amendment” or “Amendment”) to: 1) extend by 10 years the effectiveness time limit and time period to repay debt/collect tax increment of the Original Project Area and Amendment Areas No. 1 and 2 (collectively, the Original Project Area and Amendment Areas No. 1 and 2 are referred to as the “Amendment Areas”); 2) repeal the debt establishment limit for the Amendment Areas; 3) increase the tax increment limit and bonded indebtedness limit and exclude the Midtown Added Area from the tax increment limit; 4) add projects and facilities to the list of eligible projects and facilities the Agency may fund; 5) reinstate eminent domain over non-residential uses in the Amendment Areas; 6) add territory totaling approximately 600 acres (“Thirteenth Amendment Added Area” or “Added Area”); and 7) make certain technical corrections, revise and update the various text provisions within the Redevelopment Plan to conform to the requirements of the California Community Redevelopment Law (“CRL”); and

WHEREAS, the Agency is proposing to concurrently amend (the “Sixth Amendment”) the Redevelopment Plan for the Great Mall Redevelopment Project (“Great Mall Project”) to delete a non-contiguous area developed with a freeway sign (“Sixth Amendment Deleted Area”); the area identified for deletion is within the area proposed to be added to Project Area No. 1 (collectively, the Thirteenth Amendment and Sixth Amendment are referred to as the “Amendments” and Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project are referred to as the “Project Areas”); and

WHEREAS, Section 33385.3 of the CRL requires that a Project Area Committee (“PAC”) be formed in connection with a redevelopment plan amendment if the proposed amendment would do either of the following:

- (1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low and moderate income persons reside; or
- (2) Add territory in which a substantial number of low and moderate income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory; and

WHEREAS, the proposed Thirteenth Amendment would authorize the Agency to use eminent domain within the Amendment Areas and proposed Thirteenth Amendment Added Area for 12 years from the date of adoption of the Thirteenth Amendment, but would not permit the use of eminent domain to acquire real property that is occupied as a residence; and

WHEREAS, the proposed Sixth Amendment does not grant authority to the Agency to acquire property by eminent domain.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

Section 1: The foregoing recitals are true and correct.

Section 2: The City Council hereby finds and determines that, because neither the proposed Thirteenth Amendment or Sixth Amendment contain authority for the Agency to use eminent domain to acquire properties occupied as a residence, a Project Area Committee need not be formed in connection with the proposed Amendments.

Section 3: The City Council hereby directs that the proposed Amendments be provided to residents, property owners, business owners, and existing civic and business organizations and that Agency staff consult with and obtain the advice of such persons and organizations concerning policy matters affecting the residents of the Project Areas.

PASSED, APPROVED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney