

**FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE BRISBANE COMMUNITY REDEVELOPMENT
PROJECT AREA NUMBER ONE
(2004 TIME LIMIT AMENDMENT)**

**Adopted July 19, 2004
Ordinance No. 491**

I. INTRODUCTION

The City Council of the City of Brisbane adopted the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number One by Ordinance No. 219, adopted on December 6, 1976, as amended by Ordinance No. 396, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 465, adopted on March 25, 2002, and as further amended by Ordinance No. 464, adopted on May 13, 2002 (collectively, the "Plan"). The Plan establishes a redevelopment project area (the "Project Area"). Exhibit A of this document contains a legal description of the Project Area.

The Plan contains time limits, with respect to the Project Area, for the effectiveness of the Plan and for the receipt of tax increment pursuant to the requirements of the Community Redevelopment Law ("CRL"). Health and Safety Code Section 33333.6(e)(2)(C) permits amendment to the Plan to extend by one (1) year each the time limits on the effectiveness of the Plan and the receipt of tax increment. This Amendment has been prepared by the Redevelopment Agency of the City of Brisbane (the "Agency") to effectuate the provisions of Health and Safety Code Section 33333.6(e)(2)(C).

II. MODIFICATION TO PLAN

Section 2 of Ordinance No. 396, adopted on January 9, 1995 is hereby modified such that the time limitation as to the effectiveness of the Plan is changed from December 6, 2016 to December 6, 2017.

Section 3 of Ordinance No. 396, adopted on January 9, 1995, and Section 2 of Ordinance No. 442, adopted on November 8, 1999 are hereby modified such that the time limitation to pay indebtedness or to receive property taxes pursuant to Health and Safety Code Section 33670 is changed from December 6, 2026 to December 6, 2027.

III. EFFECT OF AMENDMENT

All provisions of the Plan not specifically amended or repealed in this Amendment shall continue in full force and effect.

EXHIBIT A

PROJECT AREA NUMBER ONE LEGAL DESCRIPTION

The Brisbane Community Redevelopment Project Area Number One is located in the City of Brisbane, County of San Mateo, State of California, and is particularly described as follows:

Commencing at the southwest corner of the northeast one quarter of Section 14, Township 3 south, Range 5 west, thence north along the southerly line of said quarter section north 7920.00 feet, more or less, to the line between Sections 11 and 2; thence along said section line west 2640 feet, more or less; thence north 5280 feet, more or less, to the city limits of San Francisco also being the northerly line of said Township; thence west 2300 feet, more or less, along said city limits to the westerly line of the Bayshore Freeway Route 101 right of way (450 feet wide); thence southeasterly along said right of way 4100 feet, more or less, to the northerly line of lot 30 of Section 3 of said Township; thence west along said northerly line to the easterly line of a proposed 80 foot wide street, known as Tunnel Avenue extension, thence southerly along said easterly line south 14°21'51" east 2,430 feet, more or less to the beginning of tangent curve to the right; thence along the arc of said curve having a radius of 550 feet through a central angle of 28°06'26" for an arc distance of 269.81 feet; thence south 13°44'35" west 747 feet; thence north 76°15'25" west 80.00 feet; thence south 13°44'35" west 80 feet, more or less, to the northerly line of Guadalupe Canal; thence along said northerly line 740 feet, more or less, to the westerly line of Bayshore Boulevard; thence along said westerly line the following courses:

1. South 45°57'25" east 1610 feet, more or less, to an angle point;
2. West 90 feet, more or less, to an angle point;
3. South 45°57'25" east 97.88 feet;
4. Along the arc of a curve concave to the southwest having a radius of 2275 feet, for an arc distance of approximately 575 feet;
5. South 33°44'00" east 229.41 feet;
6. North 56°16'00" east 62.50 feet;
7. Thence along the arc of a tangent curve concave to the southwest having a radius of 1437.50 feet, through a central angle of 12°54'56" for an arc distance of 324.04 feet;

Thence leaving said westerly line north 69°10'56" east 125 feet to the easterly line of Bayshore Boulevard and its intersection with the northeasterly line of Assessor's Parcel No. 007-150-010, said intersection also being on the westerly line of Southern Pacific Railroad's right of way; thence along said northeasterly line south 33°43'15" east 1537.52 feet; thence north 33°17'04" west 235.94 feet; thence north 30°39'02" west 229.71 feet; thence along the arc of a curve concave to the southwest having a radius of 2511.60 feet for a distance of 524.49 feet; thence

north 85°20'00" west 263.48 feet to the easterly line of Bayshore Boulevard; thence along said easterly line south 04°40'00" east 108.35 feet; thence south 60°20'30" east 52.08 feet; thence south 04°05'59" east 59.16 feet; thence south 37°40'00" east 22.00 feet; thence along the arc of a curve concave to the southeast having a radius of 762.50 feet for a distance of 380.45 feet to the westerly line of Bayshore Freeway Route 101; thence continuing along said curve and westerly line 450 feet, more or less, to a tangent; thence along said tangent of the westerly line of Bayshore Freeway Route 101 700 feet, more or less, to its intersection with the westerly prolongation of the southerly line of lot 16 of Section 15, Township 3 south, Range 5 west; thence easterly along said southerly line of lot 16, Section 15, and the southerly line of the northeast one quarter of Section 14, 3780 feet, more or less, to the point of beginning.

RECORDING REQUESTED BY:

BRISBANE REDEVELOPMENT AGENCY

WHEN RECORDED RETURN TO:

Goldfarb & Lipman
1300 Clay Street, 9th Floor
City Center Plaza
Oakland, CA 94612
Attn: Lynn Hutchins

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

ORDINANCE NO.491

**AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING A FIFTH AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE BRISBANE COMMUNITY
REDEVELOPMENT PROJECT AREA NUMBER ONE PURSUANT TO HEALTH AND
SAFETY CODE SECTION 33333.6(e)(2)(C), AND AMENDING RELATED
ORDINANCES IN CONNECTION THEREWITH**

WHEREAS, the City Council of the City of Brisbane adopted the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number One by Ordinance No. 219, adopted on December 6, 1976, as amended by Ordinance No. 396, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 465, adopted on March 25, 2002, and as further amended by Ordinance No. 464, adopted on May 13, 2002 (the "Redevelopment Plan") establishing the Brisbane Community Redevelopment Project Area Number One (the "Project Area"); and

WHEREAS, the legal description of the Project Area is set forth in Exhibit A of the Amendment described and incorporated in this Ordinance by reference below; and

WHEREAS, the Redevelopment Plan, as amended, contains time limits for conducting certain redevelopment functions meeting the requirements of the Community Redevelopment Law (the "CRL") for such time limits in effect as of the date of adoption and amendment of the Redevelopment Plan; and

WHEREAS, SB 1045 added Health and Safety Code Section 33333.6(e)(2)(C) to the CRL, which allows the City Council to amend the Redevelopment Plan to extend the time limits on the effectiveness of the Redevelopment Plan and agency payment on indebtedness or receipt of property taxes by one year; and

WHEREAS, the Redevelopment Agency of the City of Brisbane (the "Agency") has prepared an amendment to the Redevelopment Plan to amend its time limits as permitted by

Health and Safety Code Section 33333.6(e)(2)(C) (the "Amendment"), a copy which is on file with the City Clerk; and

WHEREAS, the City Council desires to amend the Redevelopment Plan in accordance with the terms of the Amendment as authorized pursuant to Health and Safety Code Section 33333.6(e)(2)(C); and

WHEREAS, the Agency has prepared and submitted and the City Council has reviewed and considered the staff report on the Amendment; and

WHEREAS, the Agency staff has prepared and submitted to City Council for review and approval a CEQA Notice of Exemption for the Amendment; and

WHEREAS, in adopting this ordinance Health and Safety Code Section 33333.6(e)(2)(C) states:

"neither the legislative body nor the agency is required to comply with Section 33354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans, including, but not limited to, the requirement to make payments to affected taxing entities required by Section 33607.7."

NOW, THEREFORE, the City Council of the City of Brisbane does ordain as follows:

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

Section 2: The Amendment is hereby incorporated in this Ordinance by reference and made a part of this Ordinance as if set out in full in the Ordinance.

Section 3: It is hereby found and determined that the Amendment is necessary and desirable. The Redevelopment Plan, as adopted by Ordinance No. 219 on December 6, 1976, as amended by Ordinance No. 396, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 465, adopted on March 25, 2002, and as further amended by Ordinance No. 464, adopted on May 13, 2002, is further amended in accordance with the Amendment.

Section 4: The Redevelopment Plan, as amended by the Amendment, is hereby adopted, approved, and designated as part of the official Redevelopment Plan for the Project Area. It is the purpose and intent of the City Council that the Amendment be implemented as part of the Redevelopment Plan for the Project Area. The Executive Director of the Agency may prepare a document that incorporates the provisions of the Amendment into the existing text of the Redevelopment Plan, and such document shall then constitute the official Redevelopment Plan for the Project Area.

Section 5: To the extent of the amendment set forth in the Amendment, this Ordinance amends Ordinance No. 219, adopted on December 6, 1976, Ordinance No. 396, adopted on January 9, 1995, Ordinance No. 442, adopted on November 8, 1999, Ordinance No. 465, adopted on March 25, 2002, and Ordinance No. 464, adopted on May 13, 2002.

Section 6: In accordance with Health and Safety Code Section 33333.6(g), the Amendment shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Health and Safety Code Section 33401, authorized by the City Council or the Agency prior to January 1, 1994. Nor shall the Amendment be construed to affect the right of the Agency to receive property taxes pursuant to Health and Safety Code Section 33670, to pay the indebtedness or other obligation described in this Section 6.

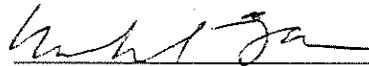
Section 7: The City Council hereby approves the CEQA Notice of Exemption for the Amendment and directs the City Clerk to file the Notice of Exemption with the County Clerk of the County of San Mateo.

Section 8: The City Clerk is hereby directed to file a copy of the Amendment and the minutes of this meeting at which this Ordinance is adopted. A copy of this Ordinance and the Amendment shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Amendment.

Section 9: The Executive Director of the Agency is hereby directed to record the Ordinance and the Amendment in compliance with the provisions of Government Code Section 27295.

Section 10: If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Amendment 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 or the Amendment.

Section 11: This Ordinance shall be in full force from and effect after thirty (30) days from the date of its final passage.



Michael Barnes, Mayor

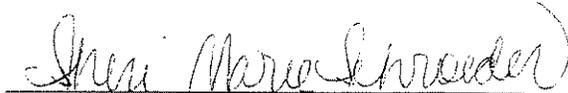
The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the 19th day of July, 2004, by the following vote:

AYES: Councilmembers Bologoff, Panza, Richardson, and Mayor Barnes

NOES: None

ABSENT: Councilmember Johnson

ABSTAIN: None



Sheri Marie Schroeder
City Clerk

CITY OF BRISBANE

CERTIFICATE OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN MATEO)

NOTICE IS HEREBY GIVEN that during the course of a regular meeting on Monday, July 19, 2004, the City Council of the City of Brisbane adopted Ordinance No. 491 entitled:

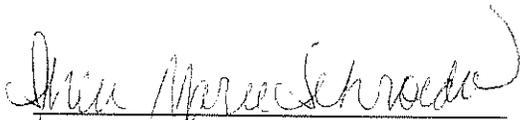
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING A FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE BRISBANE COMMUNITY REDEVELOPMENT PROJECT AREA
NUMBER ONE PURSUANT TO THE HEALTH AND SAFETY CODE SECTION
33333.6(E)(2)(C), AND AMENDING RELATED ORDINANCES IN
CONNECTION THEREWITH**

The undersigned, for and on behalf of the Brisbane City Clerk, caused a copy of this Ordinance to be posted in the following places in the City of Brisbane:

Brisbane City Hall Offices, 50 Park Place
Brisbane Community Center/Library, 250 Visitacion Avenue
Mission Blue Park Tennis Courts, 475 Mission Blue Drive

Dated July 26, 2004. Said posting was completed on July 26, 2004.

I declare under penalty of perjury the foregoing is true and correct.



Sheri Marie Schroeder
City Clerk