

RECORDED AT REQUEST OF:

BRISBANE REDEVELOPMENT AGENCY

WHEN RECORDED RETURN TO:

Goldfarb & Lipman
1300 Clay Street, Ninth Floor
Oakland, CA 94612
Attn: Lynn Hutchins



NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

ORDINANCE NO. 472

**AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING A FIFTH AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE BRISBANE COMMUNITY
REDEVELOPMENT PROJECT AREA NUMBER TWO PURSUANT TO HEALTH AND
SAFETY CODE SECTION 33333.6(e)(2), 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 Two by Ordinance No. 284 on June 14, 1982, as amended by Ordinance No. 342 on October 12, 1988, as further amended by Ordinance No. 397 on January 9, 1995, as further amended by Ordinance No. 442 on November 8, 1999, and as further amended by Ordinance No. 471 on July 22, 2002 (collectively, the "Redevelopment Plan"), establishing the Brisbane Community Redevelopment Project Area Number Two (the "Project Area"); and

WHEREAS, the Project Area is situated in the County of San Mateo, State of California, and is more particularly described on Exhibit A attached to this Ordinance; 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 211 amended the CRL effective January 1, 2002; and

WHEREAS, SB 211 amends Health and Safety Code Section 33333.6(e)(2) of the CRL to allow the City Council to amend the Redevelopment Plan to eliminate the time limit on the establishment of loans, advances, and indebtedness (the "Debt Incurrence Time Limit"); and

WHEREAS, the Redevelopment Agency of the City of Brisbane (the "Agency") has analyzed the provisions of the Redevelopment Plan and the provisions of Health and Safety Code Section 33333.6(e)(2), and has determined that the Redevelopment Plan may be amended to delete the Debt Incurrence Time Limit; and

WHEREAS, the Agency has prepared a Fifth Amendment to the Redevelopment Plan to delete the Debt Incurrence Time Limit as permitted by Health and Safety Code Section 33333.6(e)(2) (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); 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, Health and Safety Code Section 33333.6(e)(2) states:

In adopting this ordinance, 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, except that the agency shall make payment to affected taxing entities required by Section 33607.7.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISBANE:

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. 284 on June 14, 1982, as amended by Ordinance No. 342 on October 12, 1988, as further amended by Ordinance No. 397 on January 9, 1995, as further amended by Ordinance No. 442 on November 8, 1999, and as further amended by Ordinance No. 471 on July 22, 2002, is further amended in accordance with the Amendment.

Section 4. 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. 284, adopted on June 14, 1982, Ordinance No. 342, adopted on October 12, 1988, Ordinance No. 397, adopted on January 9, 1995, and Ordinance No. 442, adopted on November 8, 1999.

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 keep on file a copy of the Amendment and the minutes of the 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 and effect thirty (30) days after its final passage.


Clara A. Johnson, 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 22nd day of July, 2002, by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None



Sheri Marie Schroeder
City Clerk



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EXHIBIT A

PROJECT AREA NUMBER TWO LEGAL DESCRIPTION

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

Parcel A:

BEGINNING at the intersection of the northerly line of Tide Lot 30 in Section 3, Township 3 South, Range 5 West, Mount Diablo Meridian, as said Tide Lot is shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of San Mateo, State of California", said map having been approved September 25, 1871, with the westerly line of Bayshore Freeway (U.S. Highway 101) as said Freeway is shown on the State of California Right-of-Way Record Map R-27.2; thence from said POINT OF BEGINNING along said westerly line N 10° 09' 20" W 4, 100 feet, more or less, to a point on the corporate limits line of the City of Brisbane and a point on the corporate limits line of the City and County of San Francisco; thence along the said corporate limits line S 89° 52' 40" W 2, 800 feet, more or less, to the easterly line of Bayshore Boulevard, as said Boulevard is shown on the State of California Right-of-Way Record Map R-517.1; thence leaving the corporate limits line of the City and County of San Francisco along the corporate limits line of the City of Brisbane the following courses: S 19° 28' W 1, 45138 feet, tangent to the preceding course along the arc of a curve to the right having a radius of 5,062.50 feet an arc distance of 85 feet, more or less, N 70° 34' W 125 feet, more or less, northerly along the arc of a curve to the left having a radius of 4,937.50 feet an arc distance of 23 feet, more or less, N 70° 34' W 1, 145.87 feet, more or less, S 19° 35' W 1, 480.00 feet, more or less, S 70° 25' E 373.3 feet, S 15° 46' W 30.07 feet, S 19° 35' W 860.6 feet, N 70° 25' W 60.00 feet, S 19° 35' W 75.00 feet, S 70° 25' E 60.00 feet, S 19° 35' W 160.00 feet, N 74° 26' W 299.77 feet, S 19° 35' W 256.2 feet, S 60° 22' E 2, 302.4 feet, S 60° 41' E 424.62 feet, N 33° 43' 30" E 3.66 feet to a point on the corporate limits line of the City of Brisbane and a point on the general westerly line of Bayshore Boulevard as said Boulevard is shown on the State of California Right-of-Way Record Maps R-517.2; thence along said corporate limits line and its southerly prolongation and along the said general westerly line S 21° 31' E 1, 572 feet, more or less, to a point of curvature; thence continuing along said general westerly line tangent to the preceding curve along the arc of a curve to the left having a radius of 2,562.50 feet and a central angle of 24° 11' 55", an arc distance of 1,082.26 feet, more or less, to a point on the northerly line of Guadalupe Canal as said canal is shown on the aforesaid Map No. 1 of Salt Marsh and Tide Lands situate in the County of San Mateo, State of California; thence along last said line S 89° 50' 59" E 740 feet, more or less, to the westerly line of a proposed 80 foot wide street known as Tunnel Avenue extension; thence along last said line N 13° 44' 35" E 80.00 feet; thence leaving last said line S 76° 15' 25" E 80.00 feet to a point on the easterly line of said Tunnel Avenue; thence along last said line the following courses: N 13° 44' 35" E 747.00 feet, tangent to the proceeding course along the arc of a curve to the left having a radius of 550 feet and a central angle of 28° 06' 26", an arc distance of 269.81 feet and tangent to the preceding



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curve N 14° 21' 51" W 2, 430 feet, more or less, to the intersection thereof with the northerly line of Tide Lot 27 in Section 3, Township 3 South, Range 5 West, Mount Diablo Meridian, as said Tide Lot is shown on the aforesaid Map No. 1 of Salt Marsh and Tide Lands situate in San Mateo County, State of California; thence along the northerly line of Tide Lots 27, 28, 29 and 30 as said Tide Lots are shown on last said map S 89° 50' 59" E 2, 037.13 feet, more or less, to the POINT OF BEGINNING.



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