

Council Meeting  
August 7, 2007

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3695**

**RECOMMENDATION:**

Second and Final Reading of **ORDINANCE NO. 3695** describing the Redevelopment Agency's eminent domain program in acquiring real property within the Skypark Redevelopment Project.

**BACKGROUND:**

At the regular meeting of the City Council held on the 24th day of July, 2007, this Ordinance was introduced and approved for its first reading by the following roll call vote:

AYES:	COUNCILMEMBERS:	Barnett, Brewer, Drevno, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

Respectfully submitted,



Sue Herbers, City Clerk

NOTED:

  
LeRoy J. Jackson, City Manager

Attachment	A:	Ordinance 3695
	B:	Ordinance summary



**ORDINANCE NO. 3695****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DESCRIBING THE REDEVELOPMENT AGENCY'S EXISTING EMINENT DOMAIN PROGRAM IN ACQUIRING REAL PROPERTY WITHIN THE SKYPARK REDEVELOPMENT PROJECT**

**WHEREAS**, the intent of this Ordinance is to comply with SB 53 [adding §33342.7 of the Health and Safety Code], which went into effect on January 1, 2007 requiring redevelopment agencies to adopt an ordinance that describes their redevelopment agency's authority to use eminent domain in the acquisition of real property. An ordinance must be adopted regardless of whether there is an authority to use eminent domain in a project area. The Skypark Redevelopment Project Plan does contain a description of the Agency's eminent domain authority which specifies when, where and how it can be used. Therefore, as required by SB 53, this Ordinance simply restates the Agency's existing authority as it was adopted by the Agency on July 16, 1976 and later amended on November 25, 1997 (Amendment No. 1) and December 14, 1999 (Amendment No. 2). This ordinance does not propose any amendments to the Agency's eminent domain authority as it was adopted on July 16, 1976 and later amended on November 25, 1997 and December 14, 1999.

**WHEREAS**, the Redevelopment Agency of the City of Torrance, California hereinafter referred to as the "Agency," adopted Ordinance No. 2708 on July 16, 1976 approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Skypark Redevelopment Project (the "Project"); and

**WHEREAS**, the Redevelopment Agency of the City of Torrance ("Agency") is designated as the official redevelopment agency in the City of Torrance to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code §33000 et seq.) (the "Community Redevelopment Law") and to implement the Redevelopment Plan; and

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1**

The Redevelopment Plan ("Plan") for the Skypark Redevelopment Project ("Project") consists of the text, the legal description of the project area boundaries, and the Redevelopment Plan Map ("Map"). This Plan has been prepared by the Torrance Redevelopment Agency ("Agency") pursuant to the Community Redevelopment Law of the State of California ("Redevelopment Law"), the United States Constitution, the California Constitution, and all applicable local laws and ordinances. The California Community Redevelopment Law is located in the California Health and Safety Code, §33000, et. Seq.

**SECTION 2**

The Redevelopment Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the area within the boundaries of the project (the "Project Area"). The boundaries of the Skypark Redevelopment Project area ("Project area") are described in the "legal description of the project area boundaries," included as part of the original adopted Plan.

**SECTION 3**

Except as specifically exempted herein, the Agency may acquire but is not required to acquire, any real property located in the project area by any means authorized by law.

It is in the public interest and necessary in order to eliminate the conditions requiring redevelopment and to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the project area which cannot be acquired by gift, devise, exchange, purchase or any other lawful method.

No eminent domain proceeding to acquire property within the project area shall be commenced after twelve (12) years following the date of adoption of the ordinance approving and adopting the Redevelopment Plan. Such time limitation may be extended only by amendment of this Redevelopment Plan.

The Agency shall not within the Project Area acquire interests in oil, gas, or other mineral or hydrocarbon substances, nor the right to extract such substances through any opening or penetration for any purpose connected therewith more than 500 feet from the surface of any real property within the project area.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless 1) such building requires structural alterations, improvement, modernization, or rehabilitation, or 2) the site or lot on which the building is situated requires modification in size, shape or use, or 3) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of this plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the project area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibility under the participation agreement.

As part of the cost of acquisition of all property acquired in the project area, the Agency shall compensate each displaced person as provided in California Government Code, §7260, et seq.

**SECTION 4**

The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

**SECTION 5**

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City that are inconsistent with this ordinance to the extent of the inconsistencies and no further, are repealed.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

**SECTION 6**

Any person violating any of the provisions of this ordinance will be guilty of an infraction, and upon conviction will be subject to a fine as provided for in §36900 of the California Government Code.

**SECTION 7**

This ordinance shall take effect thirty (30) days after the date of its adoption. Within fifteen (15) days following adoption, this ordinance or a summary of this ordinance if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Introduced and approved this 24th day of July, 2007.

Adopted and passed this \_\_\_\_\_ day of August, 2007.

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

\_\_\_\_\_  
Mayor Frank Scotto  
ATTEST:

by \_\_\_\_\_  
Ronald T. Pohl, Assistant City Attorney

\_\_\_\_\_  
Sue Herbers, City Clerk



**Ordinance Summary****TORRANCE CITY COUNCIL ORDINANCE NO. 3695**

On \_\_\_\_\_, the City Council of the City of Torrance adopted Ordinance No. 3695, describing when, where and how the Redevelopment Agency could use its existing eminent domain program for the acquisition of real property within the Skypark Redevelopment Project Plan in compliance with SB 53.

The Ordinance does not propose any amendments to the Agency's eminent domain authority as provided within the Skypark Redevelopment Project Plan as it was previously adopted by the City Council on July 16, 1976.