

ORDINANCE NO. 19-07 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33342.7, ADOPTING A DESCRIPTION OF THE PROGRAM FOR THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN FOR THE REDEVELOPMENT PLANS AND REDEVELOPMENT PROJECT AREAS, AND APPROVING RELATED ACTIONS

THE CITY COUNCIL OF THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds as follows:

A. Pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; the "Redevelopment Law"), the City Council (the "City Council") of the City of Richmond (the "City") has adopted and the Richmond Community Redevelopment Agency (the "Agency") is responsible for implementing the following redevelopment plans (the "Redevelopment Plans") for the following redevelopment project areas (the "Project Areas"):

i. The Amended and Restated Redevelopment Plan for Project Area No. 1-A (Eastshore Park) (the "Eastshore Plan"), as most recently fully amended and restated pursuant to Ordinance No. 24-99 N.S. dated July 13, 1999, pertaining to the Eastshore redevelopment project area described therein (the "Eastshore Project Area");

ii. The Redevelopment Plan for Project Area No. 1-B (Pilot) (the "Pilot Plan"), adopted by Ordinance No. 1334 on March 15, 1950, pertaining to the Pilot redevelopment project area described therein (the "Pilot Project Area");

iii. The Amended and Restated Redevelopment Plan for Project Area No. 1-C (Potrero) (the "Potrero Plan"), as most recently fully amended and restated pursuant to Ordinance No. 25-99 N.S. dated July 13, 1999, pertaining to the Potrero redevelopment project area described therein (the "Potrero Project Area");

iv. The Amended and Restated Redevelopment Plan for Project Area No. 3-A (Garvin Industrial Park) (the "Garvin Plan"), as most recently fully amended and restated pursuant to Ordinance No. 26-99 N.S. dated July 13, 1999, pertaining to the Garvin redevelopment project area described therein (the "Garvin Project Area");

v. The Amended and Restated Redevelopment Plan for Project Area No. 6-A (Harbor Gate) (the "Harbor Gate Plan"), as most recently fully amended and restated pursuant to Ordinance No. 27-99 N.S. dated July 13, 1999, pertaining to the Harbor Gate redevelopment project area described therein (the "Harbor Gate Project Area");

vi. The Amended and Restated Urban Renewal Plan for Project Area No. 8-A (Hensley Industrial District) (the "Hensley Plan"), as most recently fully amended and restated pursuant to Ordinance No. 28-99 N.S. dated July 13, 1999, pertaining to the Hensley redevelopment project area described therein (the "Hensley Project Area");

vii. The Amended and Restated Urban Renewal Plan for Project Area No. 10-A (Downtown) (the "Downtown Plan"), as most recently fully amended and restated pursuant to Ordinance No. 29-99 N.S. dated July 13, 1999, pertaining

to the Downtown redevelopment project area described therein (the "Downtown Project Area");

vii. The Amended and Restated Urban Renewal Plan for Project Area No. 10-B (Nevin) (the "Nevin Plan"), as most recently fully amended and restated pursuant to Ordinance No. 29-05 N.S. dated July 12, 2005, pertaining to the Nevin redevelopment project area described therein (the "Nevin Project Area");

ix. The Amended and Restated Redevelopment Plan for the Redevelopment Project Area No. 11-A (Harbour) (the "Harbour Plan"), as most recently fully amended and restated pursuant to Ordinance No. 31-99 N.S. dated July 13, 1999, pertaining to the Harbour redevelopment project area described therein (the "Harbour Project Area"); and

x. The Amended and Restated Redevelopment Plan for the Redevelopment Project Area No. 12-A (North Richmond) (the "North Richmond Plan"), as most recently fully amended and restated pursuant to Ordinance No. 32-99 N.S. dated July 13, 1999, pertaining to the North Richmond redevelopment project area described therein (the "North Richmond Project Area"); and

B. The legal description of the property contained within the boundaries of each of the Project Areas is set forth as an exhibit to each of the respective Redevelopment Plans; and

C. The Redevelopment Plans authorize the use of eminent domain by the Agency to acquire real property in specified circumstances; and

D. SB 53 added Section 33342.7 to the Redevelopment Law, which requires the City Council to adopt by ordinance a description of the Agency's program to acquire real property by eminent domain; and

E. The Agency has prepared the required description of its real property acquisition program (the "Acquisition Program"), which is attached to and incorporated in this Ordinance in the following exhibits:

i. Exhibit A sets forth the Acquisition Program with respect to the Eastshore Project Area;

ii. Exhibit B sets forth the Acquisition Program with respect to the Pilot Project Area;

iii. Exhibit C sets forth the Acquisition Program with respect to the Potrero Project Area;

iv. Exhibit D sets forth the Acquisition Program with respect to the Garvin Project Area;

v. Exhibit E sets forth the Acquisition Program with respect to the Harbor Gate Project Area;

vi. Exhibit F sets forth the Acquisition Program with respect to the Hensley Project Area;

vii. Exhibit G sets forth the Acquisition Program with respect to the Downtown Project Area;

viii. Exhibit H sets forth the Acquisition Program with respect to the Nevin Project Area;

ix. Exhibit I sets forth the Acquisition Program with respect to the Harbour Project Area; and

x. Exhibit J sets forth the Acquisition Program with respect to the North Richmond Project Area; and

F. Staff has prepared and submitted and the City Council has reviewed and considered the staff report on this Ordinance; and

G. Staff has prepared and placed on file with the City Clerk a CEQA Notice of Exemption for this Ordinance; and

H. SB 1809 added Section 33373(c) to the Redevelopment Law, which requires the Agency to record revised Statements of Institution of Redevelopment Proceedings (including a description of the Agency's program to acquire real property by eminent domain) with respect to each of the Project Areas (the "Revised Statements of Institution"); and

I. Agency staff has prepared the Revised Statements of Institution, copies of which are on file with the City Clerk.

Section 2. The City Council hereby finds and determines that the above recitals are true and correct.

Section 3. The City Council hereby finds and determines that the adoption of this Ordinance is required by law and is thus necessary and desirable.

Section 4. In compliance with Health and Safety Code Section 33342.7, the City Council hereby approves and adopts the description of the Agency's Acquisition Program for the Project Areas, as set forth in the attached Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit I, Exhibit J.

Section 5. The City Council hereby approves the CEQA Notice of Exemption for this Ordinance and directs the City Manager/Agency Executive Director to file the Notice of Exemption with the County Clerk of the County of Contra Costa.

Section 6. The City Council hereby approves the Revised Statements of Institution. The City Manager/Agency Executive Director is hereby authorized and directed to record the Revised Statements of Institution in the official records of the County of Contra Costa in compliance with Section 33373(c) of the Redevelopment Law.

Section 7. The City Clerk is hereby directed to file a copy of this Ordinance, the CEQA Notice of Exemption, and the Revised Statements of Institution with the minutes of this meeting, and with the Agency.

Section 8. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance 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.

Section 9. This Ordinance shall take effect and be enforced after thirty (30) days after its adoption.

First introduced at a regular meeting of the Council of the City of Richmond held June 5, 2007 and finally passed and adopted at a regular meeting thereof held June 19, 2007. Said Ordinance was passed and adopted and ordered published within fifteen (15) days of the date of adoption in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Richmond, by the following vote:

AYES: Councilmember Bates, Butt, Lopez, Marquez, Rogers Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTAIN: None

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to Form:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 19-07 N.S. finally passed and adopted by the Council of the City of Richmond at a meeting held on June 19, and published in accordance with law.

EXHIBIT A

ACQUISITION PROGRAM FOR PROJECT AREA NO. 1-A (EASTSHORE)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Eastshore Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Eastshore Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Eastshore Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Eastshore Plan, including for development by a master developer pursuant to Section VI. C.2 of the Eastshore Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Eastshore Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Eastshore Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 24-99 N.S., amending and restating the Eastshore Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Eastshore Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Eastshore Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT B

ACQUISITION PROGRAM FOR PROJECT AREA NO. 1-B (PILOT)

The Agency's power of eminent domain within the Pilot Project Area has completely expired. As a result, the Agency has no power to acquire real property in the Pilot Project Area through eminent domain. The Agency could obtain the power of eminent domain in the future with respect to any real property in the Pilot Project Area only if the City Council were to adopt a redevelopment plan amendment in accordance with the procedures and requirements of the California Community Redevelopment Law for such an amendment.

The Agency retains the power under the Pilot Redevelopment Plan to acquire real property in the Pilot Project Area by voluntary means, such as gift, exchange, or sale, in which the owner of the real property being acquired by the Agency voluntarily agrees to such gift, exchange, or sale.

EXHIBIT C

ACQUISITION PROGRAM FOR PROJECT AREA NO. 1-C (POTRERO)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Potrero Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Potrero Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c., or d. below exist:

- a. The property in question is improved with one or more occupied residential structures; or
- b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or
- c. The property in question is improved with a structure and, although not conforming to the Potrero Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or
- d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:
 - (1) The property is not needed for those specific activities outlined in the Potrero Plan, including for development by a master developer pursuant to Section VI. C.2 of the Potrero Plan; and
 - (2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and
 - (3) The property is not needed for any other public improvement or facility; and
 - (4) The property is not needed to promote historical or architectural preservation; and
 - (5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Potrero Plan; and
 - (6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Potrero Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 25-99 N.S., amending and restating the Potrero Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Potrero Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Potrero Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT D

ACQUISITION PROGRAM FOR PROJECT AREA NO. 3-A (GARVIN INDUSTRIAL PARK)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Garvin Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Garvin Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c., or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Garvin Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Garvin Plan, including for development by a master developer pursuant to Section VI. C.2 of the Garvin Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Garvin Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Garvin Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 26-99 N.S., amending and restating the Garvin Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Garvin Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Garvin Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT E

ACQUISITION PROGRAM FOR PROJECT AREA NO. 6-A (HARBOR GATE)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Harbor Gate Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Harbor Gate Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Harbor Gate Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Harbor Gate Plan, including for development by a master developer pursuant to Section VI. C.2 of the Harbor Gate Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Harbor Gate Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Harbor Gate Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 27-99 N.S., amending and restating the Harbor Gate Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Harbor Gate Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Harbor Gate Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT F

ACQUISITION PROGRAM FOR PROJECT AREA NO. 8-A (HENSLEY INDUSTRIAL DISTRICT)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Hensley Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Hensley Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Hensley Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Hensley Plan, including for development by a master developer pursuant to Section VI. C.2 of the Hensley Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Hensley Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Hensley Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 28-99 N.S., amending and restating the Hensley Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Hensley Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Hensley Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT G

ACQUISITION PROGRAM FOR PROJECT AREA NO. 10-A (DOWNTOWN)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Downtown Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Downtown Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Downtown Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Downtown Plan, including for development by a master developer pursuant to Section VI. C.2 of the Downtown Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Downtown Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Downtown Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 29-99 N.S., amending and restating the Downtown Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Downtown Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Downtown Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT H

ACQUISITION PROGRAM FOR PROJECT AREA NO. 10-B (NEVIN)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Nevin Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Nevin Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

- a. The property in question is improved with one or more occupied residential structures; or
- b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or
- c. The property in question is improved with a structure and, although not conforming to the Nevin Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or
- d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:
 - (1) The property is not needed for those specific activities outlined in the Nevin Plan, including for development by a master developer pursuant to Section VI. C.2 of the Nevin Plan; and
 - (2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and
 - (3) The property is not needed for any other public improvement or facility; and
 - (4) The property is not needed to promote historical or architectural preservation; and
 - (5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Nevin Plan; and
 - (6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Nevin Project Area by not later than July 12, 2017 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 29-05 N.S., amending and restating the Nevin Plan, but not later than September 18, 2013 for properties within the "Original Area" of the Nevin Project Area (as defined in the Nevin Plan), as that date may be amended from time to time. This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Nevin Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Nevin Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT I

ACQUISITION PROGRAM FOR PROJECT AREA NO. 11-1 (HARBOUR)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Harbour Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Harbour Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c. or d. below exist:

- a. The property in question is improved with one or more occupied residential structures; or
- b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or
- c. The property in question is improved with a structure and, although not conforming to the Harbour Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or
- d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:
 - (1) The property is not needed for those specific activities outlined in the Harbour Plan, including for development by a master developer pursuant to Section VI. C.2 of the Harbour Plan; and
 - (2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and
 - (3) The property is not needed for any other public improvement or facility; and
 - (4) The property is not needed to promote historical or architectural preservation; and
 - (5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Harbour Plan; and
 - (6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the Harbour Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 31-99 N.S., amending and restating the Harbour Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the Harbour Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Harbour Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

EXHIBIT J

ACQUISITION PROGRAM FOR PROJECT AREA NO. 12-A (NORTH RICHMOND)

Except as specifically exempted herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the North Richmond Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the North Richmond Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in any of subdivision a., b., c., or d. below exist:

a. The property in question is improved with one or more occupied residential structures; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the North Richmond Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the North Richmond Plan, including for development by a master developer pursuant to Section VI. C.2 of the North Richmond Plan; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the North Richmond Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire in the North Richmond Project Area by not later than July 13, 2011 (the twelfth (12th) anniversary of the date of adoption of Ordinance No. 32-99 N.S., amending and restating the North Richmond Plan). This time limit for commencement of eminent domain proceedings may be extended only by further amendment of the North Richmond Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the North Richmond Plan.

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.