

**FOURTH AMENDMENT TO THE REDEVELOPMENT
PLAN FOR THE BRISBANE COMMUNITY REDEVELOPMENT
PROJECT AREA NUMBER ONE**

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, and as further amended by Ordinance No. 442, adopted on November 8, 1999 (collectively, the "Plan"). The Plan, as amended, contains a time limit for the establishment of debt, advances and indebtedness (the "Debt Incurrence Limit") pursuant to the requirements of the Community Redevelopment Law ("CRL"). Health and Safety Code Section 33333.6(e)(2), effective January 1, 2002, permits an amendment to the Plan to eliminate the Debt Incurrence Limit. This Amendment has been prepared by the Redevelopment Agency of the City of Brisbane (the "Agency") staff to effectuate the provisions of Health and Safety Code Section 33333.6(e)(2).

II. DELETIONS FROM PLAN

Section 1 of Ordinance No. 396, adopted on January 9, 1995, and Section 1 of Ordinance No. 443, adopted on November 8, 1999, are hereby deleted in their entirety. The Plan shall no longer have a Debt Incurrence Limit, as provided by Health and Safety Code Section 33333.6(e)(2).

III. EFFECT OF AMENDMENT

All provisions of the Plan not specifically amended or repealed in this Amendment shall continue in full force and effect.



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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. 465

**AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING A FOURTH
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), AND AMENDING
RELATED ORDINANCES IN CONNECTION THEREWITH**

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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, and as further amended by Ordinance No. 442, adopted on November 8, 1999 (collectively, the "Redevelopment Plan"), establishing the Brisbane Community Redevelopment Project Area Number One (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 Fourth 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. 219 on December 6, 1976, as amended by Ordinance No. 396 on January 9, 1995 and as further amended by Ordinance No. 442 on November 8, 1999, 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. 219, adopted on December 6, 1976, Ordinance No. 396, 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.

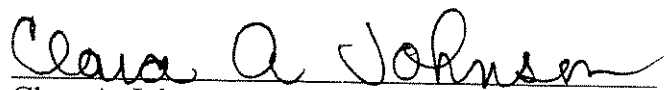
Section 7. The City Council hereby approves the CEQA Notice of Exemption for the Amendment and directs the City Clerk to file the Notice of Exemption with the County Clerk of the County of San Mateo.

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 25th day of March, 2002, by the following vote:

AYES: COUNCILMEMBERS: Barnes, Bologoff, Panza, Richardson, and Mayor Johnson
NOES: None
ABSENT: None


Sheri Marie Schroeder
City Clerk



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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.



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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.



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