

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.492

**AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING A SIXTH 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)(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 Two by Ordinance No. 284, adopted on June 14, 1982, as amended by Ordinance No. 342, adopted on October 12, 1988, as amended by Ordinance No. 397, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 471, adopted on July 22, 2002, and as further amended by Ordinance No. 472, adopted on July 22, 2002 (the "Redevelopment Plan") establishing the Brisbane Community Redevelopment Project Area Number Two (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. 284 on adopted on June 14, 1982, as amended by Ordinance No. 342, adopted on October 12, 1988, as amended by Ordinance No. 397, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 471, adopted on July 22, 2002, and as further amended by Ordinance No. 472, adopted on July 22, 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. 284, adopted on June 14, 1982, Ordinance No. 342, adopted on October 12, 1988, Ordinance No. 397, adopted on January 9, 1995, Ordinance No. 442,

adopted on November 8, 1999, Ordinance No. 471, adopted on July 22, 2002, and Ordinance No. 472, adopted on July 22, 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

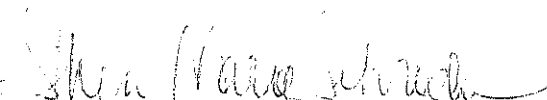
The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the 19th day of July, 2004, by the following vote:

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. 492 entitled:

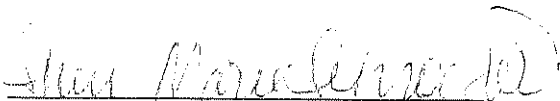
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING A SIXTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE BRISBANE COMMUNITY REDEVELOPMENT PROJECT AREA
NUMBER ONE PURSUANT TO THE HEALTH AND SAFETY CODE SECTION
33333.6(E)(2)(C), AND AMENDING RELATED ORDINANCES IN
CONNECTION THEREWITH**

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 8/2/04. Said posting was completed on 8/3/04.

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



Sheri Marie Schroeder
City Clerk