

**SEVENTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE BRISBANE COMMUNITY REDEVELOPMENT
PROJECT AREA NUMBER TWO
(2006 TIME LIMIT AMENDMENT)**

**Adopted April 17, 2006
Ordinance No. 511**

I. INTRODUCTION

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, as amended by Ordinance No. 472, adopted on July 22, 2002, and as further amended by Ordinance No. 492, adopted on July 19, 2004 (collectively, the "Plan"). The Plan establishes a redevelopment project area (the "Project Area"). Exhibit A of this document contains a legal description of the Project Area.

The Plan contains time limits, with respect to the Project Area, for the effectiveness of the Plan and for the receipt of tax increment pursuant to the requirements of the Community Redevelopment Law ("CRL"). Health and Safety Code Section 33333.6(e)(2)(D) permits amendment to the Plan to extend by two (2) years each the time limits on the effectiveness of the Plan and the receipt of tax increment. This Amendment has been prepared by the Redevelopment Agency of the City of Brisbane (the "Agency") to effectuate the provisions of Health and Safety Code Section 33333.6(e)(2)(D).

II. MODIFICATION TO PLAN

Section 2 of Ordinance No. 397, adopted on January 9, 1995 and Section II of the Sixth Amendment to the Plan adopted by Ordinance No. 492 on July 19, 2004 are hereby modified such that the time limitation as to the effectiveness of the Plan is changed from June 14, 2023 to June 14, 2025.

Section 3 of Ordinance No. 397, adopted on January 9, 1995, Section 4 of Ordinance No. 442, adopted on November 8, 1999, and Section II of the Sixth Amendment to the Plan adopted by Ordinance No. 492 on July 19, 2004 are hereby modified such that the time limitation to pay indebtedness or to receive property taxes pursuant to Health and Safety Code Section 33670 is changed from June 14, 2033 to June 14, 2035.

III. EFFECT OF AMENDMENT

All provisions of the Plan not specifically amended or repealed in this Amendment shall continue in full force and effect.

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. 511

**AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING A SEVENTH
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE BRISANE
COMMUNITY REDEVELOPMENT PROJECT AREA NUMBER TWO PURSUANT TO
HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D), 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, as amended by Ordinance No. 472, adopted on July 22, 2002, and as further amended by Ordinance No. 492, adopted on July 19, 2004 (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 1096 added Health and Safety Code Section 33333.6(e)(2)(D) 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 two years; 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)(D) (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)(D); 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:

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.

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 City Council hereby finds and declares the following:

(a) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(b) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(c) The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable.

(d) The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus from its Housing Fund.

(e) The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Plan.

The City Council hereby incorporates by reference the staff report prepared in conjunction with this Ordinance which provides evidence to support these findings..

Section 3: 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 4: 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, as amended by Ordinance No. 472, adopted on July 22, 2002, and as amended by Ordinance No. 492, adopted on July 19, 2004, is further amended in accordance with the Amendment.

Section 5: 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 6: 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, Ordinance No. 472, adopted on July 22, 2002, and Ordinance No. 492, adopted on July 19, 2004.

Section 7: 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 7.

Section 8: 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.

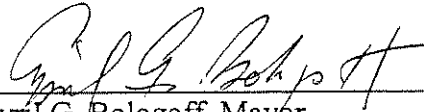
Section 9: The City Clerk is hereby directed to file a copy of the Amendment and the minutes of this meeting at which this Ordinance is adopted. A copy of this Ordinance and the Amendment shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Amendment.

Section 10: 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 11: 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 12: This Ordinance shall be in full force from and effect after thirty (30) days from the date of its final passage.


Cyril G. Bologoff, 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 17th day of April, 2006, by the following vote:

AYES: Councilmembers Barnes, Conway, Richardson, Waldo, and Mayor Bologoff
NOES: None
ABSENT: None



Sheri Marie Schroeder
City Clerk

EXHIBIT A

PROJECT AREA LEGAL DESCRIPTION

The Brisbane Community Redevelopment Project Area Number Two is more 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 1,451.38 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 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.

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, April 17th, 2006, the City Council of the City of Brisbane adopted Ordinance No. 511, entitled:

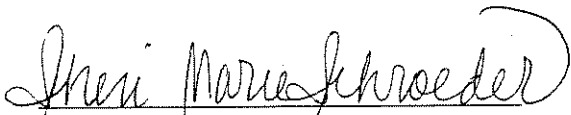
"An Ordinance of the City of Brisbane Adopting a Seventh Amendment to the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number Two pursuant to Health and Safety Code Section 33333.6(e)(2), and Amending Related Ordinances in Connection Therewith"

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 Fire Department Headquarters, 3445 Bayshore Blvd.
- Brisbane City Hall Offices, 50 Park Lane
- Brisbane Community Center/Library, 250 Visitacion Avenue

Dated April 19, 2006. Said posting was completed on April 21, 2006.

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



Sheri Marie Schroeder
City Clerk