

RESOLUTION NO. 99-235

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING FINDINGS IN RESPONSE TO WRITTEN OBJECTIONS RECEIVED FROM
AFFECTED TAXING ENTITIES OR PROPERTY OWNERS ON ADOPTION OF THE
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
PASO ROBLES REDEVELOPMENT PROJECT

WHEREAS, in accordance with the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Redevelopment Agency of the City of El Paso de Robles (the "Agency") prepared and submitted to the City Council of the City of El Paso de Robles (the "City Council") a proposed amendment to the Redevelopment Plan (the "Redevelopment Plan Amendment") for the Paso Robles Redevelopment Project (the "Project"); and

WHEREAS, on December 7 and December 21, 1999 the City Council and the Agency held a joint public hearing to consider adoption of the Redevelopment Plan Amendment and certification of the Negative Declaration on the Redevelopment Plan Amendment; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has considered all written comments received and all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan Amendment; and

WHEREAS, Section 33363 of the Community Redevelopment Law provides that, before adopting the Redevelopment Plan Amendment, the City Council shall make written findings in response to each written objection received from an affected taxing entity or property owner received before or at the noticed public hearing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby adopts the written findings in response to the written objection received from two property owners set forth in Exhibit A and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of December, 1999, by the following roll call vote:

AYES: Baron, Macklin, Swanson and Picanco
NOES: Mecham
ABSTAIN: None
ABSENT: None

Duane Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Amendment to Paso Robles Redevelopment Plan
December 21, 1999
Comments / Statements of Opposition Received and Responses Provided

1. Comment

12/7/99

To: P R Redevelopment Agency
From: Steve Marti

I protest the amendment to the City's redevelopment plan extending eminent domain powers. Please extend the public hearing to provide time for public input and clarification of the reasons for the amendment.

Steve Martin

Response to #1

1. The City Council and Agency public hearing has been continued to December 21, 1999.
2. The basic reasons for extending the powers of Eminent Domain are described as follows:
 - Without the ability to exercise Eminent Domain, the Agency may not be able to assist in property acquisition that is needed to carry out a major economic development effort.
 - Having Eminent Domain will give the Agency greater flexibility in carrying out redevelopment activities in the project area, but only if the Agency determines it is absolutely necessary at the time.

2. Comment

12/8/99

I am against eminent domain by the Redevelopment plan. You shouldn't change what the city council of yester year said "after 12 years this would be."

Sincerely, Tessie Mildred Marty& Lloyd Marty

Response to #2

This statement of opposition is noted for the record. As was discussed at the December 7, 1999 public hearing, the Agency was precluded by State Law from including Eminent Domain powers in the Redevelopment Plan for a period longer than 12 years. The Community Redevelopment law allows this time period to be extended by amending the Redevelopment Plan. The current Amendment process is consistent with State law. Nothing in the original 1987 Redevelopment Plan or in the adoption of amendments to the Plan precludes the extension of Eminent Domain powers as is being contemplated by the Agency and City Council.

3. Comment

December 07, 1999

Re: Eminent Domain Extension; Redevelopment Of Down Town Redevelopment District

My wife and I thoroughly understand the eminent domain issue and its legal use thereof. It is our opinion that a lot of the people against this idea do not understand it entirely. However, because the city ultimately has eminent domain anyway and the past twelve years has shown it to be unnecessary for the redevelopment district to have this power, we are making you aware that we would vote against the extension. Our building is located at 1314 Park Street which places us within the district and therefore, voters. If you have any questions or further information for us, please contact us at my office. Thank you.

Respectfully, Frank D. Stickley, D.C.

Response to #3

Opposition to the extension is noted for the record. By way of clarification, the City's power of Eminent Domain and the Agency's power of Eminent Domain are different. The City can only utilize Eminent Domain for public purposes that are within its Municipal authority (i.e.: to acquire property for public uses), whereas the Agency's power of Eminent Domain extends to the ability to eliminate blight through property acquisition for the purposes of encouraging economic development. The fact that the Agency has not found it necessary to utilize Eminent Domain during the last twelve years does not negate the potential need for utilizing Eminent Domain during the next twelve year period.

4. Comment

December 20, 1999

Honorable Duane Picanco and Council Members:

Regarding the issue of extending Eminent Domain: I oppose this for the following reasons -

- There are so many properties not developed that would be available for purchase without causing hardships to properties already developed*
- Improvements and maintenance will continue to suffer under Eminent Domain. Property owners have a "wait and see" attitude.*
- Buyers will go elsewhere when considering a purchase. Eminent Domain creates a cloud not acceptable to buyers.*
- In addition to not receiving full market value in an Eminent Domain sale, businesses also suffer from "good will" losses*

In conclusion, Eminent Domain will create a negative reaction that could polarize the citizens against the City. Please abolish Eminent Domain and involve beautification, historical architectural, and tree committees in the resolution of the most important issue to keep Paso Robles unique and sound.

*Most Respectfully Submitted, Madi Gates
Daughter of Margaret Gates, 1545 Park Street, Paso Robles*

Response to #4

Opposition to the extension is noted for the record. Properties are unique in terms of their location and relation to other properties; for this reason, the existence of vacant properties per se does not preclude the potential need for a particular property. Over the past 12 years that the Agency has had the authority for Eminent Domain, there has not been a documented trend toward reduced property maintenance or any apparent change in the pattern of property sales. In fact, there has been a substantial level of re-investment on properties throughout the Redevelopment Project Area, particularly but not exclusively on commercially zoned properties. This is reflected in the fact that the assessed value of properties in the Redevelopment Project Area has increased significantly since the Redevelopment Plan was adopted. In terms of compensation upon acquisition through Eminent Domain, the Redevelopment Agency must follow all statutory procedures to assure just compensation is paid to property owners which may include good will.

5. Comment

December 20, 1999

To the Paso Robles Redevelopment Plan

Mrs. Barraza: I am writing this short letter because what I have to say is that it really is sad that you just come out of no where and try to take our homes from just right under our feet, when we worked so hard to make our homes. And to have our homes where our children were born + raised. What a share for you to do this, because we are 100 percent against it from our bottom of our hearts. Think twice in this redevelopment. Mrs. Barraza P.S. I'm a native of Paso Robles.

Response to #5

Opposition to the extension is noted for the record. The Agency has no specific plans to acquire property in the Redevelopment Project Area. The Redevelopment Plan contains special provisions that preclude the acquisition of owner-occupied residences within most of the Project Area. If acquisition of a residence were permitted and found to be necessary, the Agency would need to follow statutory procedures.

6. Comment

Please see the attached letter dated December 21, 1999 from Pat Mackie.

Response to #6

Opposition to the Amendment to the Redevelopment Plan to provide twelve more years of Eminent Domain authority is noted for the record. Elimination of blight and carrying out the goals of the Redevelopment project are the primary focus of the Agency's activities; providing tax benefits is not a goal of the Agency but it may occur as a by-product of an Agency purchase of property from a willing seller. The ability of the Redevelopment Agency to acquire property and to convey property to implement the Redevelopment Plan is provided for in Section 33342 of the State's Health and Safety Code.