

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 1 -83

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO APPROVING AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND WILBUR SMITH AND ASSOCIATES, INC. TO ACT AS TRAFFIC CONSULTANT TO PREPARE A TRAFFIC STUDY FOR THE NORTHEAST CORNER OF DOWNTOWN AND TO PREPARE A TRAFFIC ANALYSIS ON THE AGRITRADE AND COMMUNITY CENTER - BOTH PARTS OF THE MODESTO REDEVELOPMENT PROJECT

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the agreement between the Redevelopment Agency and Wilbur Smith and Associates, Inc., to act as traffic consultant to prepare a traffic study for the northeast corner of downtown and to prepare a traffic analysis on the AgriTrade and Community Center, for \$14,600, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated agency officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 18th day of January, 1983, by Agency member Lang, who moved its adoption, which motion being duly seconded by Agency member Bright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson

NOES: Agency members: None

ABSENT: Agency members: Siefkin, Mayor Mensinger

ATTEST: Marvin Cyle  
Secretary

RESOLUTION OF THE REDEVELOPMENT AGENCY  
OF THE CITY OF MODESTO REFERRING THE PRO-  
POSED REDEVELOPMENT PLAN FOR THE MODESTO  
REDEVELOPMENT PROJECT TO THE PLANNING COM-  
MISSION OF THE CITY OF MODESTO FOR REPORT  
AND RECOMMENDATION

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides in Section 33356 that prior to a joint public hearing on a redevelopment plan, the redevelopment agency shall submit the proposed plan to the planning commission; and

WHEREAS, the Redevelopment Agency of the City of Modesto has prepared and completed a Redevelopment Plan for the Modesto Redevelopment Project;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The proposed Redevelopment Plan for the Modesto Redevelopment Project, in the form attached hereto, is hereby referred to the Planning Commission of the City of Modesto for report and recommendation.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 5th day of April, 1983, by Agency member Whiteside, who moved its adoption, which motion being duly seconded by Agency member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside  
NOES: Agency members None  
ABSENT: Agency members: Chairperson Mensinger

ATTEST: \_\_\_\_\_

*Maurice Coyle*  
Secretary

(SEAL)

APPROVED AS TO FORM:

BY

*Elwyn L. Johnson*  
ELWYN L. JOHNSON, General Counsel

**REDEVELOPMENT PLAN  
FOR THE  
MODESTO REDEVELOPMENT PROJECT**

**Prepared by the  
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO**

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REDEVELOPMENT PLAN  
FOR THE  
MODESTO REDEVELOPMENT PROJECT

I. [§100] INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the Modesto Redevelopment Project (the "Project") in the City of Modesto (the "City"), County of Stanislaus, State of California, and consists of the Text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Plan Map (Attachment No. 3) and the Proposed Public Improvement Projects (Attachment No. 4). This Plan was prepared by the Redevelopment Agency of the City of Modesto (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.), the California Constitution and all applicable local laws and ordinances.

The proposed redevelopment of the Project Area as described in this Plan conforms to the General Plan for the City of Modesto adopted by the City Council as follows: Land Use and Circulation Element, adopted August 5, 1974, and as amended thereafter; Safety, Scenic Highways and Seismic Safety Elements, adopted May 5, 1975; Conservation Element, adopted August 14, 1978; Noise Element, adopted August 14, 1978; Housing Element, adopted January 27, 1981, and as amended thereafter; and Open Space and Recreation Element, adopted January 18, 1983.

This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of Modesto (the "Planning Commission") by Resolution No. 82-193, adopted on December 20, 1982.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the area within the boundaries of the Project (the "Project Area"). This Plan does not present a specific plan or establish specific projects for the redevelopment, rehabilitation and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established and specific

solutions will be proposed, and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions. The Agency and the City will be considering plans and proposals which will allow and encourage the development of a community center project and the expansion of commercial activities. The accomplishment of these project activities may depend upon and include the provision of proposed public improvements specified in this Plan. However, this Plan is not dependent or conditioned upon any specific project or activity; instead, it provides a means to implement specific project activities.

The purposes of the Community Redevelopment Law will be attained through, and the major goals of this plan are:

- A. The elimination of environmental deficiencies in the Project Area, including, among others, small and irregular lots, incompatible and uneconomic land uses, obsolete and aged building types, sub-standard alleys and inadequate or deteriorated public improvements and facilities.
- B. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- C. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.
- D. The strengthening of retail and other commercial functions in the Project Area.
- E. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.
- F. The provision of a community center.
- G. The provision of adequate land for parking and open spaces.
- H. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.

- I. The expansion of the supply of housing for low- and moderate-income persons.

## II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference.

## III. [§300] PROPOSED REDEVELOPMENT ACTIONS

### A. [§301] General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

1. The acquisition of certain real property;
2. The demolition or removal of certain buildings and improvements;
3. Providing for participation by owners and tenants presently located in the Project Area and the extension of preferences to business occupants desiring to remain or relocate within the redeveloped Project Area;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. Providing relocation assistance to displaced residential and nonresidential tenants;
6. The installation, construction or reconstruction of streets, utilities and other public improvements;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors and the Agency; and

10. The assembly of adequate sites for the development and construction of residential and/or commercial facilities.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. **[§302] Participation Opportunities; Extension of Preferences for Reentry Within Redeveloped Project Area**

1. **[§303] Opportunities for Owners and Tenants**

In accordance with this Plan and the rules for owner and tenant participation adopted by the Agency pursuant to this Plan and the Community Redevelopment Law, persons who are owners of real property in the Project Area shall be given a reasonable opportunity to participate in redevelopment by: (1) retaining all or a portion of their properties; (2) acquiring adjacent or other properties in the Project Area; (3) rehabilitation of existing buildings or improvements; (4) new development; or (5) selling their properties to the Agency and purchasing other properties in the Project Area.

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to participate in the redevelopment of the Project Area, or to reenter into business within the redeveloped Project Area, if they otherwise meet the requirements prescribed in this Plan. The Agency shall also extend reasonable preferences to tenants other than business tenants in the Project Area to reenter within the redeveloped Project Area, if they otherwise meet the requirements prescribed by this Plan. Such business, residential, institutional and semi-public tenants shall be given a reasonable opportunity, if they so desire, to purchase and develop real property in the Project Area in accordance with this Plan.

2. **[§304] Rules for Participation Opportunities, Priorities and Preferences**

In order to provide opportunities to owners and tenants to participate in the redevelopment of the Project Area, the Agency shall promulgate rules for owner and tenant participation and the extension of preferences

for reentry within the redeveloped Project Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area, accommodation of as many participants as possible, similarity of land use, the necessity to assemble sites for integrated, modern development and conformity of a participant's proposal with the intent and objectives of this Plan.

In addition to opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms or institutions to join together in partnerships, corporations or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as: (1) the elimination and changing of some land uses; (2) the construction, widening or realignment of some streets; (3) the ability of participants to finance acquisition and development or rehabilitation in accordance with this Plan; (4) the reduction in the total number of individual parcels in the Project Area; and (5) the construction or expansion of public facilities.

### 3. [\$305] Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop and use and maintain the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event an owner or tenant participant fails or refuses to rehabilitate, develop and use and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

4. [\$306] Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to:

(a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.

C. [\$307] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within or without the Project Area) which land, buildings, facilities, structures or other improvements are or would be of benefit to the Project.

D.    [§308]   Property Acquisition

1.    [§309]   Real Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the ordinance adopting this Plan becomes effective.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of this Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

2. [\$310] Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

E. [\$311] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

F. [\$312] Payments to Taxing Agencies to Alleviate Financial Burden

In any year during which it owns property in the Project Area, the Agency is authorized, but not required, to pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to any city and county pursuant to the preceding paragraph shall be disbursed by the city and county to any school district with territory located within the Project Area in the city and county. "Proportionate share," as used in this Section 312, means the ratio of the school district tax rate, which is included in the total tax rate of the city and county, to the total tax rate of the city and county.

The Agency may also pay to any taxing agency with territory located within the Project Area (other than the City) any amounts of money which, in the Agency's determination, are appropriate to alleviate any financial burden or detriment caused to such taxing agency by the Project.

G. [§313] Relocation of Persons (Including Individuals and Families), Business Concerns and Others Displaced by the Project

1. [§314] Assistance in Finding Other Locations

The Agency shall assist all persons (including individuals and families), business concerns and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons (including individuals and families), business concerns and others, if any, displaced from their respective places of residence or business by the Project, the Agency shall assist such persons (including individuals and families), business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

2. [§315] Relocation Payments

The Agency shall make relocation payments to persons (including individuals and families), business concerns and others displaced by the Project for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and Agency rules and regulations adopted pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [§318] Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection

therewith, the Agency may cause, provide for or undertake the installation or construction of streets, utilities, parks, playgrounds and other public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, public and other uses provided in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities or other improvements which an owner or operator of the site would otherwise be obliged to provide.

I. [\$319] Property Disposition and Development

1. [\$320] Real Property Disposition and Development

a. [\$321] General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale or transfer without public bidding. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. [§322] Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of the County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area. All property sold, leased, conveyed or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

c. [§323] Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly-owned building, facility, structure or other improvement, either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install or construct the facilities, buildings, structures and other improvements identified in Attachment No. 4, "Proposed Public Improvement Projects."

attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

In addition to the public improvements authorized under Section 318 and the specific publicly-owned improvements identified in Attachment No. 4 of this Plan, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity, for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over and underpasses; (2) sewers; (3) natural gas distribution systems; (4) water distribution systems; (5) parks, plazas and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to this Section 323, and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan or out of any other available funds.

d. [\$324] Development Plans

All development plans (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to City design review standards.

2. [\$325] Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property which is acquired by the Agency.

J. [\$326] Rehabilitation, Conservation and Moving of Structures

1. [\$327] Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to

advise, encourage and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

2.    [§328]   Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

K.    [§329]   Low- and Moderate-Income Housing

1.    [§330]   Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of the Project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law.

2.    [§331]   Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency for the purposes of increasing and improving the City's supply of housing for persons and families of very low, low or moderate income unless certain findings are made as required by that section to lessen or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers, including the following:

- a.    Acquire land or building sites;
- b.    Improve land or building sites with on-site or off-site improvements;

- c. Donate land to private or public persons or entities;
- d. Construct buildings or structures;
- e. Acquire buildings or structures;
- f. Rehabilitate buildings or structures;
- g. Provide subsidies to or for the benefit of persons or families of very low, low or moderate income; and
- h. Develop plans, pay principal and interest on bonds, loans, advances or other indebtedness or pay financing or carrying charges.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 330 above. These funds may be used inside or outside the Project Area; provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

#### IV. [§400] USES PERMITTED IN THE PROJECT AREA

##### A. [§401] Redevelopment Plan Map

The "Redevelopment Plan Map," attached hereto as Attachment No. 3 and incorporated herein by reference, illustrates the location of the Project Area boundaries, major streets within the Project Area and the proposed land uses to be permitted in the Project for all land--public, semi-public and private.

##### B. [§402] Designated Land Uses

##### 1. [§403] Commercial Uses

The areas shown on the Redevelopment Plan Map (Attachment No. 3) for commercial uses shall be used for the general commercial uses set forth and described in the City's General Plan.

2. [\$404] Residential Uses

The areas shown on the Redevelopment Plan Map (Attachment No. 3) for residential uses shall be used for the residential uses set forth and described in the City's General Plan.

3. [\$405] Public Uses

The areas shown on the Redevelopment Plan Map (Attachment No. 3) for public uses shall be used for the specific public improvements, buildings, facilities or structures permitted under Section 323 of this Plan.

C. [\$406] Other Land Uses

1. [\$407] Public Rights-of-Way

As illustrated on the Redevelopment Plan Map (Attachment No. 3), the major public streets within the Project Area include 8th Street, 9th Street, 10th Street, 11th Street, 17th Street, 19th Street, Burney Street, H Street, I Street, K Street, L Street, Downey Avenue and La Loma Avenue.

Additional public streets, alleys and easements may be created in the Project Area as needed for proper development. Existing streets, alleys and easements may be abandoned, closed or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the General Plan, the objectives of this Plan and the City's design standards, shall be effectuated in the manner prescribed by state and local law and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

- b. The requirements imposed by such factors as topography, traffic safety and aesthetics; and
- c. A consideration of the need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way.

2. [\$408] Other Public, Semi-Public, Institutional and Nonprofit Uses

In any area shown on the Redevelopment Plan Map (Attachment No. 3), the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. [\$409] Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

4. [\$410] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

D.    [§411]   General Controls and Limitations

All real property in the Project Area is made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

1.    [§412]   Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.

2.    [§413]   Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency for retention and rehabilitation shall be repaired, altered, reconstructed or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

3.    [§414]   Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under the Zoning Ordinance of the City of Modesto.

4.    [§415]   Number of Dwelling Units

The number of dwelling units in the Project Area shall not exceed the number of dwelling units permitted under the Zoning Ordinance of the City of Modesto.

5. [§416] Limitation on Type, Size and Height of Buildings

Except as set forth in other sections of this Plan, the type, size and height of buildings shall be as limited by applicable federal, state and local statutes, ordinances and regulations.

6. [§417] Open Spaces, Landscaping, Light, Air and Privacy

The approximate amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public ground, the space around buildings and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air and privacy.

7. [§418] Signs

All signs shall conform to City sign ordinances as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to the Agency and/or City prior to installation for review and approval pursuant to the procedures of this Plan.

8. [§419] Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

9. [§420] Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

10. [§421] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

11. [§422] Subdivision of Parcels

No parcel in the Project Area, including any parcel retained by a participant, shall be subdivided without the approval of the Agency.

12. [§423] Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan of the City.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

E. [§424] Design for Development

Within the limits, restrictions and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access

and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired or rehabilitated except in accordance with this Plan and any such controls and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property, in the discretion of the Agency, in accordance with architectural, landscape and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

F. [§425] Building Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been made and processed in a manner consistent with all City requirements.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

V. [§500] METHODS OF FINANCING THE PROJECT

A. [§501] General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, State of California, federal government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property or any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this

Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [\$502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Stanislaus, the City of Modesto, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Stanislaus last equalized on the effective date of said ordinance shall be used in determining the assessed

valuation of the taxable property in the Project on said effective date).

2. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in subdivision 2 above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

The portion of taxes divided and allocated to the Agency pursuant to subdivision 2 of this Section 502 shall not exceed a cumulative total of \$20,000,000 or, if bonds are issued or reimbursement agreements are entered into with other public agencies, a cumulative total of \$45,000,000.

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subdivision 2 above which can be outstanding at any one time shall not exceed \$8,500,000.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project beyond thirty (30) years from the date of adoption of this Plan. Loans, advances or indebtedness may be repaid over a period of time beyond said time limit.

C. [§503] Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the United States, the State of California or any other public or private source will be utilized if available.

VI. [§600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- A. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modifications of the streets, the street layout and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment, removal and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such

abandonment, removal and relocation to be borne by others than those legally required to bear such cost.

- B. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned public utilities within or affecting the Project Area.
- C. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- D. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- E. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- F. Performance of the above actions and of all other functions and services relating to public peace, health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- G. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City.

## VII. [§700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court

litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

#### VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty-five (35) years from the date of adoption of this Plan by the City Council.

#### IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

## Area A

Beginning at the southern corner of Block 87, as shown on map of "Town of Modesto" filed in the office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82, said point being the intersection of the northeastern line of 11th Street with the northwestern line of "L" Street as shown on said map; thence from said intersection, along the northwestern line of said "L" Street.

- (1) South  $46^{\circ}30'30''$  West, 1210.00 feet to the eastern corner of Block 39 as shown on said map of "Town of Modesto" and also being the intersection point of the northwestern line of 80-foot wide "L" Street with the southwestern line of 72-foot wide 8th Street; thence along said southwestern line of 8th Street.
- (2) South  $43^{\circ}29'30''$  East, 560.00 feet to the northern corner of Block 41, as shown on said map of "Town of Modesto" and also being the intersection point of the southwestern line of 72-foot wide 8th Street with the southeastern line of 80-foot wide "K" Street; thence along the southeastern line of "K" Street.
- (3) North  $46^{\circ}30'30''$  East, 1210.00 feet to the western corner of Block 85 as shown on said map of "Town of Modesto" and also being the intersection point of the northeastern line of 80-foot wide 11th Street with the southeastern line of 80-foot wide "K" Street; thence along said northeastern line of 11th Street.
- (4) North  $43^{\circ}29'30''$  West, 560.00 feet to the point of beginning of this description.

## Area B

Beginning at the eastern corner of Block 125, as shown on map of "Town of Modesto" filed in the office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82, said point being the intersection of the northwestern line of 100-foot wide "I" Street with the southwestern line of 80-foot wide 17th Street as shown on said map; thence from said intersection, along the northwestern line of said "I" Street and its northeasterly prolongation.

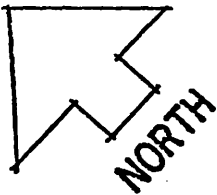
- (1) North  $46^{\circ}30'30''$  East, 539 feet more or less to its intersection with the north line of 80-foot wide Downey Avenue; thence along the north line of Downey Avenue.
- (2) South  $89^{\circ}51'$  East, 681 feet more or less to the east line of 60-foot wide Kimble Street and a point of jog in the north line of Downey Avenue; thence along the east line of Kimble Street and said jog.

- (3) South  $1^{\circ}31'30''$  East, 9 feet more or less to the north line of Downey Avenue; thence continuing along the north line of Downey Avenue.
- (4) South  $89^{\circ}39'30''$  East, 42 feet more or less to the intersection of the northerly prolongation of the eastern line of 33-foot wide Burney Street; thence along said prolongation and eastern line.
- (5) South  $0^{\circ}20'30''$  West, 333 feet more or less to the northeastern corner of said Burney Street and 60-foot wide LaLoma Avenue; thence on a diagonal line through the intersection of above mentioned two streets.
- (6) South  $25^{\circ}46'05''$  West, 77.08 feet to the northeastern corner of Block 133 as shown on said map of "Town of Modesto", said point being the intersection of the western line of said Burney Street and the southern line of LaLoma Avenue, said point also being the beginning of a curve whose radius line bears South  $27^{\circ}01'30''$  West; thence along the south line of said LaLoma Avenue.
- (7) On a curve concave to the south and having a central angle of  $70^{\circ}31'$  a radius of 290 feet, and a length of 356.92 feet to a point of tangency with the southeastern line of 80-foot wide "H" Street, thence along the southeastern line of said "H" Street.
- (8) South  $46^{\circ}30'30''$  West, 480 feet to the northern corner of Block 127 as shown on said map of "Town of Modesto", said point being the intersection of the southeast line of said "H" Street, and the southwest line of previously mentioned 17th Street; thence along the southwestern line of 17th Street.
- (9) North  $43^{\circ}29'30''$  West, 580 feet to the point of beginning of this description.

ATTACHMENT NO. 2  
PROJECT AREA MAP

AREA "A"

Scale: 1"=200'



12 th

ST.

BLOCK 86

BLOCK 85

11 th

ST.

BLOCK 65

BLOCK 66

BLOCK 67

10 th

ST.

BLOCK 59

BLOCK 58

BLOCK 57

9 th

ST.

BLOCK 145

BLOCK 144

BLOCK 143

8 th

ST.

BLOCK 39

BLOCK 40

BLOCK 41

ST.

ST.

ST.

ST.

M

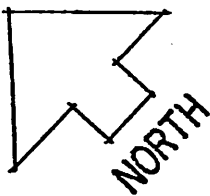
L

K

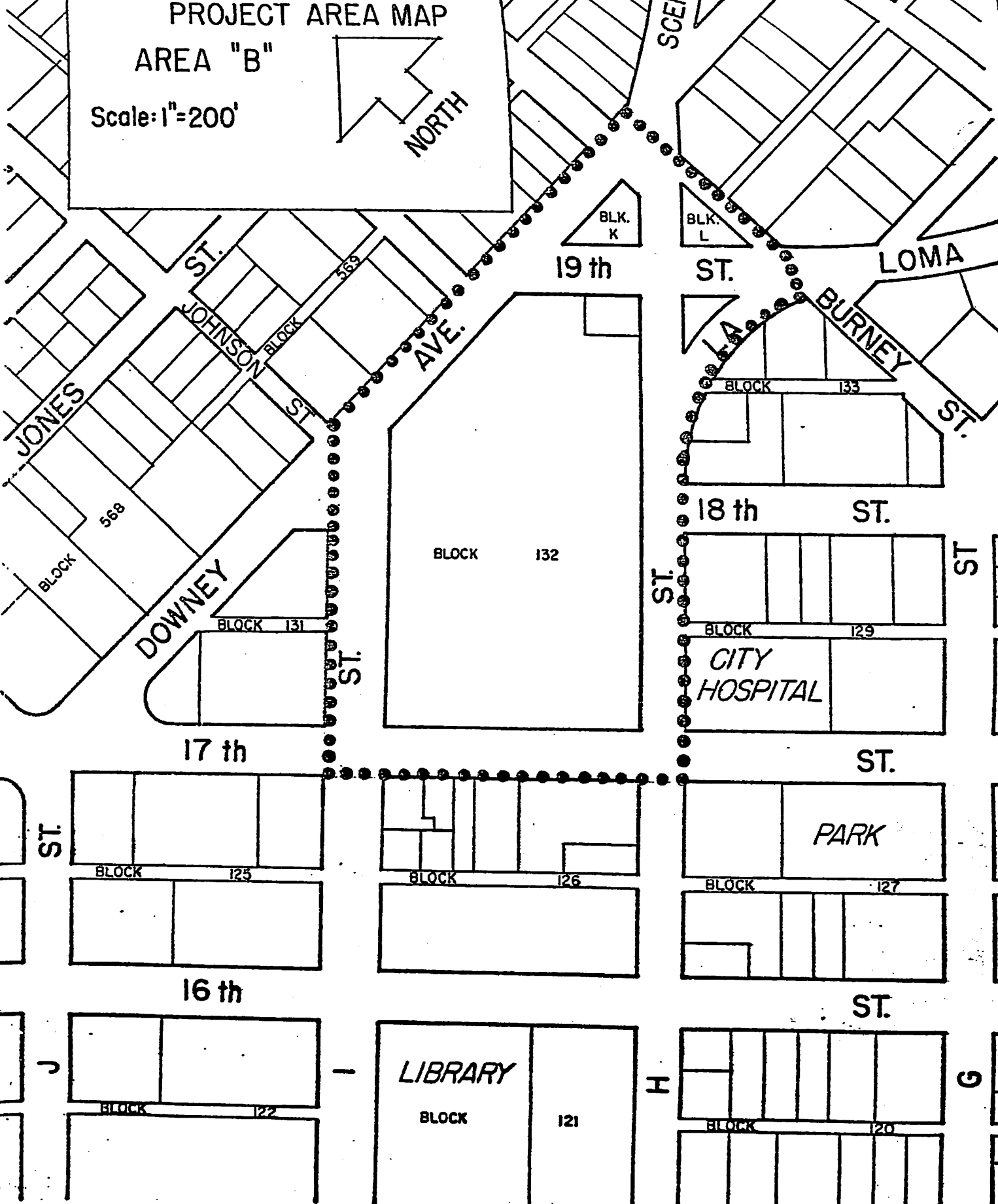
J

PROJECT AREA MAP  
AREA "B"

Scale: 1"=200'



SCEN



BLK. K

BLK. L

19 th

LOMA

ST.

JOHNSON

BLOCK

568

AVE.

JONES

568

DOWNEY

BLOCK

131

BLOCK

132

LA

BLOCK

133

BURNEY

ST.

18 th

ST.

ST.

ST.

BLOCK

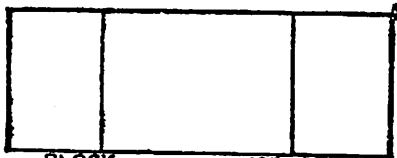
129

CITY HOSPITAL

17 th

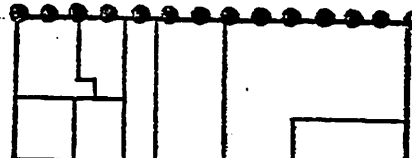
ST.

ST.



BLOCK

125



BLOCK

126



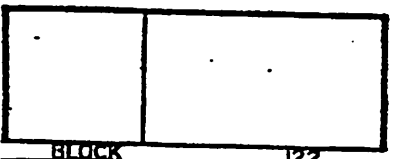
BLOCK

127

16 th

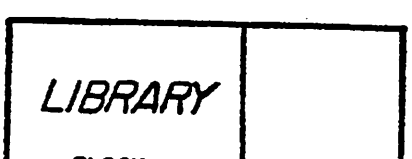
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J



BLOCK

122



BLOCK

121

H



BLOCK

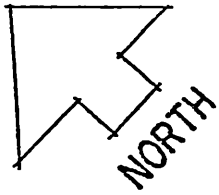
120

G

REDEVELOPMENT PLAN MAP

AREA "A"

Scale: 1"=200'



12 th

ST.

ST.

ST.

ST.

BLOCK 85

BLOCK 85

11 th

ST.

ST.

BLOCK 65

BLOCK 66

BLOCK 67

10 th

ST.

COMMERCIAL  
AND  
PUBLIC  
USES

BLOCK 59

BLOCK 58

BLOCK 57

M

L

K

J

9 th

ST.

BLOCK 145

BLOCK 144

BLOCK 143

8 th

ST.

BLOCK 39

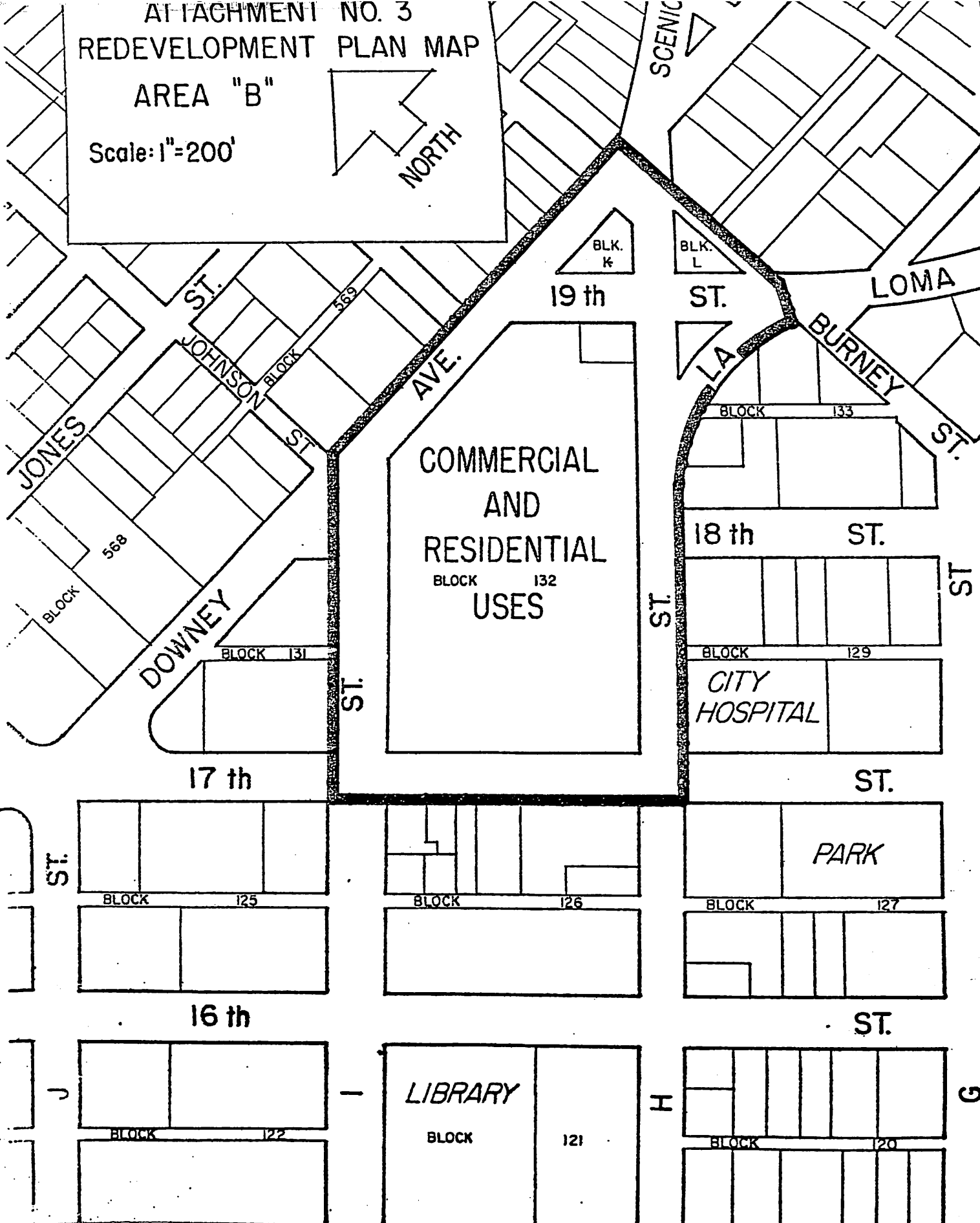
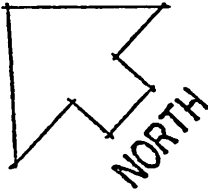
BLOCK 40

BLOCK 41

ATTACHMENT NO. 3  
REDEVELOPMENT PLAN MAP

AREA "B"

Scale: 1"=200'



COMMERCIAL  
AND  
RESIDENTIAL  
USES

BLOCK 132

CITY  
HOSPITAL

PARK

LIBRARY

PROPOSED PUBLIC IMPROVEMENT PROJECTS

1. Public right-of-way (street) improvements along 8th Street, 9th Street, 10th Street, 11th Street, K Street, L Street, 17th Street, 19th Street, Burney Street, H Street, I Street, Downey Avenue and La Loma Avenue, and, if necessary, on adjacent streets both within and outside the Project Area.
2. Parking Facilities (both at grade and in structures).
3. Overhead Pedestrian Bridge across 9th Street.
4. Public Plaza.
5. Conference Center.
6. Large Theatre.
7. Small Theatre.
8. Multi-Form Room.

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 3-83

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL ON THE PROPOSED REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT, SUBMITTING SAID REPORT, PROPOSED REDEVELOPMENT PLAN AND THE FINAL EIR RELATING THERETO TO THE CITY COUNCIL, AND CONSENTING TO AND REQUESTING A JOINT PUBLIC HEARING ON SAID REDEVELOPMENT PLAN AND THE FINAL EIR RELATING THERETO

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has prepared a proposed Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency has submitted the proposed Redevelopment Plan to the Planning Commission of the City of Modesto for its report and recommendation, and the Planning Commission, by Resolution No. 83-67 on May 2, 1983, reviewed the proposed Redevelopment Plan and recommended the approval and adoption of the proposed Redevelopment Plan; and

WHEREAS, pursuant to the California Environmental Quality Act, the State CEQA Guidelines and Agency procedures adopted pursuant thereto, the Agency has prepared and completed a proposed Final Environmental Impact Report ("Final EIR") for the Project; and

WHEREAS, pursuant to Section 33352 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Agency has prepared a Report to the City Council on the proposed Redevelopment Plan; and

WHEREAS, Section 33355 of the California Community Redevelopment Law authorizes a joint public hearing on the proposed Redevelopment Plan with the consent of the Agency and the City Council of the City of Modesto (the "City Council");

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The Agency hereby approves and adopts the Report to the City Council on the Redevelopment Plan for the Modesto Redevelopment Project, and hereby submits said Report, together with the proposed Redevelopment Plan for the Project and the Final EIR, to the City Council.

Section 2. The Agency hereby consents to a joint public hearing on the proposed Redevelopment Plan for the Project, and requests the City Council to call a joint public hearing of the Agency and the City Council on Wednesday, July 6, 1983, at 4:00 p.m. in the City Council Chambers to consider and act upon the proposed Redevelopment Plan and all documents and evidence pertaining thereto, together with a joint public hearing on the Final EIR for the Project.

Section 3. The Secretary of the Agency shall, in cooperation with the Clerk of the City of Modesto, prepare, publish and mail such notices and documents and do all other acts as may be necessary to carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 7th day of June, 1983, by Agency member Muratore, who moved its adoption, which motion being duly seconded by Agency member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Mayor Mensinger

ATTEST:

Maeve Coyle  
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn Johnson  
ELWYN JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 4-83

RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO APPROVING AND ADOPT-  
ING RULES GOVERNING PARTICIPATION BY, AND  
THE EXTENSION OF REASONABLE PREFERENCES  
TO, PROPERTY OWNERS AND TENANTS IN THE  
MODESTO REDEVELOPMENT PROJECT

WHEREAS, Section 33345 of the California Community  
Redevelopment Law (Health and Safety Code Section 33000 et  
seq.) provides that a redevelopment agency shall adopt and  
make available for public inspection rules to implement the  
operation of owner participation in connection with a rede-  
velopment plan;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF  
MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The Redevelopment Agency of the City of  
Modesto does hereby approve and adopt the "Rules Governing  
Participation by, and the Extension of Reasonable Preferences  
to, Property Owners and Tenants in the Modesto Redevelopment  
Project," attached hereto and incorporated by reference  
herein.

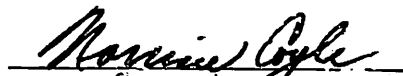
The foregoing resolution was introduced at a regular  
meeting of the Redevelopment Agency of the City of Modesto  
held on the 7th day of June, 1983, by Agency  
member Sutton, who moved its adoption, which motion  
being duly seconded by Agency member Whiteside, was  
upon roll call carried and the resolution adopted by the  
following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton,  
Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Mayor Mensinger

ATTEST:

  
Secretary

(SEAL)

APPROVED AS TO FORM:

By

  
ELWYN JOHNSON, General Counsel

RULES GOVERNING PARTICIPATION BY,  
AND THE EXTENSION OF REASONABLE PREFERENCES TO,  
PROPERTY OWNERS AND TENANTS IN THE  
MODESTO REDEVELOPMENT PROJECT

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Adopted by the  
Redevelopment Agency of the City of Modesto

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RULES GOVERNING PARTICIPATION BY,  
AND THE EXTENSION OF REASONABLE PREFERENCES TO,  
PROPERTY OWNERS AND TENANTS IN THE  
MODESTO REDEVELOPMENT PROJECT

I. [§100] PURPOSE AND INTENT

These rules are adopted pursuant to the Community Redevelopment Law of the State of California in order to implement the provisions of the Redevelopment Plan for the Modesto Redevelopment Project regarding participation by, and the extension of reasonable preferences to, property owners and tenants within the Project. These rules set forth the procedures governing such preferences and participation.

It is the intention of the Agency to encourage and permit participation in the redevelopment of the Project Area by owners and tenants of real property within the boundaries of the Project Area to the maximum extent consistent with the objectives of the Redevelopment Plan.

In addition to opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms or institutions to join together in partnerships, corporations or other joint entities.

II. [§200] DEFINITIONS

As used herein, the following definitions apply:

- (1) "Agency" means the Redevelopment Agency of the City of Modesto.

- (2) "Owner" means any person, persons, corporation, association, partnership or other entity holding title of record to real property in the Project Area on the date of adoption of the Redevelopment Plan by the City Council.
- (3) "Owner Participation Agreement" means an agreement entered into by an Owner or Tenant with the Agency in accordance with the provisions of the Redevelopment Plan and these rules.
- (4) "Project Area" means the area described in the "Legal Description of the Project Area Boundaries" (Attachment No. 1 of the Redevelopment Plan) and shown on the "Project Area Map" (Attachment No. 2 of the Redevelopment Plan).
- (5) "Redevelopment Plan" means the Redevelopment Plan for the Modesto Redevelopment Project as adopted by the City Council of the City of Modesto.
- (6) "Tenant" means any person, persons, corporation, association, partnership or other entity occupying real property within the Project Area on the date of adoption of the Redevelopment Plan by the City Council.

### III. [§300] ELIGIBILITY

Owners and Tenants shall be eligible to participate in the redevelopment of property within the Project Area in accordance with the provisions of the Redevelopment Plan, these rules and the limitations herein described.

Participation opportunities are necessarily subject to and limited by factors such as the following:

- (1) The elimination and changing of some land uses;
- (2) The construction, widening or realignment of some streets;
- (3) The reduction in the total number of individual parcels in the Project Area; and
- (4) The construction or expansion of public facilities.

The Agency presently contemplates that in carrying out the Redevelopment Plan, certain portions of the Project Area may be acquired by the Agency for public improvements, facilities and utilities and for other uses and purposes in accordance with the Redevelopment Plan. Therefore, Owner and Tenant participation opportunities will not be available for such properties.

#### IV. [§400] TYPES OF PARTICIPATION

Subject to these rules and the limitations in Section 300 and this Section 400, Owners and Tenants shall be given a reasonable opportunity to participate in redevelopment by:

- (1) Retaining all or a portion of their properties and developing or improving such property for use in accordance with the Redevelopment Plan; and/or

- (2) Acquiring adjacent or other properties within the Project Area and developing or improving such property for use in accordance with the Redevelopment Plan.

Each proposal for participation shall be reviewed by the Agency specifically with respect to the following:

- (1) Conformity with the land use provisions of the Redevelopment Plan;
- (2) Compatibility with the standards, covenants, restrictions, conditions and controls of the Redevelopment Plan;
- (3) Compatibility with parcelization of the Project Area into sites adequate for redevelopment; and
- (4) The participant's ability to finance the acquisition and development or improvement in accordance with the Redevelopment Plan.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the Owners and Tenants. Some of the factors to be considered in establishing these priorities and preferences may include:

- (1) A participant's length of occupancy in the area;
- (2) Accommodation of as many participants as possible;
- (3) Similarity of land use;

- (4) The necessity to assemble sites for integrated, modern development;
- (5) Conformity of a participant's proposal with the intent and objectives of the Redevelopment Plan; and
- (6) Service to the community of a participant's proposal.

V. [§500] CONFORMING OWNERS

The Agency may, in its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of the Redevelopment Plan, and the Owners of such property will be permitted to remain as conforming Owners without an Owner Participation Agreement with the Agency, provided such Owners continue to operate, use and maintain the real property within the requirements of the Redevelopment Plan.

In the event that any of the conforming Owners desire to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming, or (2) acquire additional property within the Project Area, then, in such event, such conforming Owners may be required by the Agency to enter into an Owner Participation Agreement with the Agency.

VI. [§600] OWNER PARTICIPATION AGREEMENTS

Public and private Owners or Tenants wishing to develop or improve their properties within the Project

Area may be required, as a condition to Agency approval of such development or improvement, to enter into an Owner Participation Agreement with the Agency if the Agency determines it is necessary to impose upon such property any of the standards, restrictions and controls of the Redevelopment Plan.

VII. [§700] NOTICE TO OWNERS OR TENANTS; TIME TO ENTER INTO AGREEMENT

If the Agency determines that an Owner or Tenant of real property within the Project Area shall be required to enter into an Owner Participation Agreement as provided in Section 600 of these rules, the Agency shall notify the Owner or Tenant in writing of its intention to require an Owner Participation Agreement and shall provide the Owner or Tenant with a copy of the proposed Owner Participation Agreement.

An Owner or Tenant presented with an Owner Participation Agreement by the Agency must enter into the Agreement within a reasonable period of time as determined by the Agency. An Owner or Tenant must submit proof of his qualifications, including financial responsibility, to carry out the terms and provisions of the Owner Participation Agreement.

VIII. [§800] CONTENTS OF OWNER PARTICIPATION AGREEMENTS

An Owner Participation Agreement shall obligate the Owner, his heirs, and successors and assigns, and/or a Tenant to devote the property to the uses specified in the Redevelopment Plan, abide by all provisions and conditions of the Redevelopment Plan for the period of time that the Redevelopment Plan is in force and effect, and comply with all the provisions of the

Owner Participation Agreement according to their terms, duration and effect.

An Owner Participation Agreement may provide that if the Owner or Tenant does not comply with the terms of the Agreement, the Agency, in addition to other remedies, may acquire such property or any interest therein by any lawful means, including eminent domain, for its fair market value as of the date of the Owner Participation Agreement, and the Agency may thereafter dispose of the property or interest so acquired in accordance with the Redevelopment Plan.

An Owner Participation Agreement shall contain such other terms and conditions which, in the discretion of the Agency, may be necessary to effectuate the purposes of the Redevelopment Plan.

IX. [§900] LIMITATIONS ON ACQUISITION OF PROPERTY BY THE AGENCY

The Agency shall not acquire real property to be retained and developed by an Owner or Tenant pursuant to a fully executed Owner Participation Agreement if the Owner or Tenant fully performs under the Agreement.

The Agency shall not acquire real property on which an existing building is to be continued on its present site under the Redevelopment Plan and in its present form and use without the consent of the Owner, unless:

- (1) Such building requires structural alteration, improvement, modernization or rehabilitation;
- (2) The site or lot on which the building is situated requires modification in size, shape or use; or

- (3) It is necessary to impose upon such property any of the standards, restrictions and controls of the Redevelopment Plan, and the Owner or Tenant fails or refuses to participate in redevelopment by executing an Owner Participation Agreement.

X.    [§1000]    PREFERENCE TO PROPERTY OWNERS AND  
                  TENANTS WITHIN THE PROJECT AREA

Subject to these rules and the limitations in Sections 300 and 400, Owners and Tenants who desire to acquire new property within the Project Area shall be extended a reasonable preference to acquire and develop property within the Project Area at such times as the Agency is able to make available for private development for such purpose properties within the Project Area; provided, however, that such development will be consistent with and will not impair the objectives of the Redevelopment Plan as determined by the Agency. Owners and Tenants shall also be extended a reasonable preference to re-enter within the redeveloped Project Area, if they otherwise meet the requirements prescribed in these rules and the Redevelopment Plan.

XI.   [§1100]    AMENDMENT OF RULES

These rules may be modified or amended from time to time by the Agency at any regular or duly called special meeting, provided, however, that no such amendment shall retroactively impair the rights of Owners or Tenants who have executed Owner Participation Agreements with the Agency in reliance upon these rules as presently constituted.

RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO CERTIFYING THE COMPLE-  
TION OF A FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE MODESTO REDEVELOPMENT PROJECT

WHEREAS, an environmental impact report (the "EIR") on the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") was prepared by the Redevelopment Agency of the City of Modesto (the "Agency") pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Adm. Code Section 15000 et seq., hereafter the "State CEQA Guidelines") and local procedures adopted by the Agency pursuant thereto; and

WHEREAS, on April 13, 1983, the Agency filed a Notice of Completion and forwarded the Draft EIR to the State Clearinghouse for distribution to those agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice to all interested persons and agencies inviting comments on the Draft EIR was published in the Modesto Bee on April 18, 1983; and

WHEREAS, the Draft EIR was thereafter revised and supplemented to adopt changes suggested, to incorporate comments received and the Agency's response to said comments, and as so revised and supplemented, a Final EIR was prepared and submitted to the City Council of the City of Modesto; and

WHEREAS, a joint public hearing was held by the Agency and the City Council on July 6, 1983, on the Redevelopment Plan and the Final EIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and

all comments and responses thereto having been considered; and

WHEREAS, the Final EIR consists of the Draft EIR, as revised and supplemented, made a part of the Agency's Report on the Redevelopment Plan, incorporating all comments received and the response of the Agency and the City Council thereto as of the date hereof;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The Agency hereby certifies that the Final Environmental Impact Report for the Modesto Redevelopment Project has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures adopted by the Agency pursuant thereto, and that the Agency has reviewed and considered the information contained in the Final Environmental Impact Report.

Section 2. The Agency has evaluated all comments, written and oral, received from persons who have reviewed the Draft EIR.

Section 3. The Agency hereby makes the written findings set forth in Exhibit A, attached hereto and incorporated by reference herein, for each of the significant effects set forth in said Exhibit A, and further approves the statement of facts set forth in said Exhibit A. Based on such findings and statement of facts, the Agency hereby finds that significant environmental effects have been reduced to an acceptable level in that all significant environmental effects have been eliminated or substantially lessened except for the following: the reduction in exposure to traffic by businesses on 10th Street between J and K Streets and between L and M Streets. Based on the foregoing, the Agency finds and determines that the Modesto Redevelopment Project will have a significant effect upon the environment.

Section 4. As to the significant environmental effect which is not eliminated or substantially lessened

identified in Section 3 of this resolution, the Agency hereby adopts the following statement of overriding considerations. The Agency hereby finds that, based on the findings and statement of facts set forth in Exhibit A, and based on the Final EIR and/or other information contained in the record, its action to approve and carry out the Redevelopment Plan is supported for the following reasons:

(a) The Redevelopment Plan will eliminate blighting influences and environmental deficiencies in the Project Area, including, among others, small and irregular lots, obsolete and aged building types, substandard alleys, deteriorated or inadequate public improvements, and incompatible and uneconomic land uses; strengthen the economic base of the Project Area and the community by installing needed on-site and off-site improvements to stimulate new commercial expansion, employment and economic growth; provide for a community center; assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; replan, redesign and develop undeveloped areas which are stagnant or improperly utilized; and establish and implement performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area.

(b) The alternative of keeping 10th Street open would result in a division of the community center project which would result in significant pedestrian/vehicular conflict and the Plaza, which would provide open space and serve as the focal point of the community center, would be eliminated.

Section 5. In the event that it is determined that the significant effects identified in Section 3 as being eliminated or substantially lessened are not mitigated or substantially lessened, the Agency hereby finds that, based

on the Final EIR and/or other information contained in the record, its action to approve and carry out the Redevelopment Plan is supported for the reasons specified in subparagraph (a) of Section 4 of this resolution.

Section 6. Upon approval and adoption of the Redevelopment Plan by the City Council, the Secretary of the Agency is hereby directed to file a Notice of Determination with the County Clerk of Stanislaus County and the Secretary of the Resources Agency pursuant to the provisions of Section 21152 of the Public Resources Code and the State CEQA Guidelines adopted pursuant thereto.

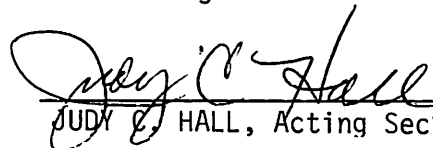
The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 6th day of July, 1983, by Agency member Lang, who moved its adoption, which motion being duly seconded by Agency member Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Chairperson Mensinger

ATTEST:

  
JUDY C. HALL, Acting Secretary

(SEAL)

APPROVED AS TO FORM:

BY   
ELWYN L. JOHNSON, General Counsel

EXHIBIT A

FINDINGS ON SIGNIFICANT EFFECTS

1. Description of significant effect:

Traffic and Circulation: Increased traffic volumes at intersections of 9th and K Streets and 9th and L Streets, and increased parking needs.

The Agency finds that as to such significant effect identified above:

- [X] Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the the significant environmental effects thereof as identified in the Final EIR.
- [ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- [ ] Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The facts supporting such findings are as follows:

1. A left turn only phase of the signal system shall be added for northbound and southbound left turns on 9th Street at K Street.
2. A left turn only phase of the signal system shall be added for eastbound, westbound and northbound left turns at 9th and L Streets.
3. Additional parking facilities will be constructed.

These findings are supported by substantial evidence in the record of the proceedings before the Agency.

2. Description of significant effect:

Noise: Impact on project due to existing noise levels.

The Agency finds that as to such significant effect identified above:

- [X] Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the the significant environmental effects thereof as identified in the Final EIR.
- [ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- [ ] Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The facts supporting such findings are as follows:

1. Acoustical design requirements will be made a part of the architectural design approval requirements.
2. The parking structure proposed to be constructed between K and L Streets, and fronting on 9th Street, will assist in buffering the noise levels.

These findings are supported by substantial evidence in the record of the proceedings before the Agency.

3. Description of significant effect:

Economic: Reduction in exposure to traffic by businesses on 10th Street between J and K Streets and L and M Streets.

The Agency finds that as to such significant effect identified above:

- [ ] Changes or alterations have been required in, or incorporated into, the project which

mitigate or avoid the the significant environmental effects thereof as identified in the Final EIR.

- [ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- [X] Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The facts supporting such findings are as follows:

1. The proposed Community Center will eliminate the improper utilization of stagnant and underutilized property and will stimulate commercial expansion, employment and economic growth.
2. The alternative of keeping 10th Street open would result in a division of the proposed Community Center project which would result in significant pedestrian/vehicular conflict, and the Plaza, which would provide open space and serve as the focal point of the community center, would be eliminated.

These findings are supported by substantial evidence in the record of the proceedings before the Agency.

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 6-83

- RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO FINDING THAT THE USE  
OF TAXES ALLOCATED FROM THE MODESTO REDE-  
VELOPMENT PROJECT FOR THE PURPOSE OF  
IMPROVING AND INCREASING THE COMMUNITY'S  
SUPPLY OF LOW- AND MODERATE-INCOME HOUSING  
OUTSIDE THE PROJECT AREA WILL BE OF BENEFIT  
TO THE PROJECT

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has prepared a proposed Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") which would result in the allocation of taxes from the Project Area to the Agency for the purposes of redevelopment; and

WHEREAS, Section 33334.2 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires for redevelopment plans adopted after December 31, 1976, that not less than 20 percent of all taxes so allocated be used by the Agency for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost; and

WHEREAS, Section 33334.2(g) of the Health and Safety Code provides that the Agency may use such funds outside the Project Area if a finding is made by resolution of the Agency and the City Council that such use will be of benefit to the Project;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY FIND AND RESOLVE that the use of taxes allocated from the Project Area for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost outside the Project Area and within the City of Modesto will be of benefit to the Project.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto

held on the 6th day of July, 1983, by Agency member Patterson, who moved its adoption, which motion being duly seconded by Agency member Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Chairperson Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting Secretary

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 7-83

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO RELATIVE TO FUTURE FINANCIAL IMPACTS OF THE PROPOSED MODESTO REDEVELOPMENT PROJECT UPON THE YOSEMITE COMMUNITY COLLEGE DISTRICT, THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, AND THE MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is proposing for adoption by the City Council of the City of Modesto (the "City") a Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") based upon a Preliminary Plan for the Project formulated and adopted by the Planning Commission of the City by Resolution No. 82-193 on December 20, 1982, and

WHEREAS, the Yosemite Community College District, the Modesto City School District of Stanislaus County, and the Modesto High School District of Stanislaus County (the "Districts") are school districts with territory located within the boundaries of the Project (the "Project Area"), and

WHEREAS, if the Redevelopment Plan for the Project is adopted by the City Council, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 et seq. of the California Health and Safety Code and the proposed Redevelopment Plan for the Project, increases in the assessed values of property within the Project Area above the sum of the assessed values as shown on the 1982-83 assessment roll (the "Base Year Roll for the Project") will result in that portion of property taxes levied each year on such increase in assessed values ("tax increments") being allocated and paid to the Agency to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment of the Project, and

WHEREAS, while tax increment financing under current state laws is deemed not to adversely affect the Districts, the Districts have expressed concern over a possible future negative impact of tax increment financing on their financial situation, and

WHEREAS, Section 33401 of the California Health and Safety Code provides that a redevelopment agency may pay to any taxing agency with territory located within a project area any amounts of money which, in the agency's determination, are appropriate to alleviate any financial burden or detriment caused to such taxing agency by a redevelopment project, and

WHEREAS, the Agency desires to adopt this policy resolution, in anticipation of the adoption of the Redevelopment Plan, to set forth procedures for consideration by the Agency of any future financial burden or detriment caused to the Districts by the Project resulting from changes in state laws affecting the Districts' method of financing,

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. So long as the present California school finance system remains in effect, the Agency shall have no obligation to consider any payments to the Districts.

SECTION 2. In the event that the California school finance system is changed, modified or amended in such a way that tax increment financing of the Project by the Agency may cause a financial burden or detriment to one or more of the Districts, the Agency agrees to meet with the affected District(s) and review and consider alternatives for alleviating any such proven financial burden or detriment.

SECTION 3. In no event shall payments be made to the District(s) by

the Agency:

(a) Unless the Agency finds and determines that the payment is necessary to alleviate a financial burden or hardship on the District(s) directly resulting from tax increment financing of the Project;

(b) Which would exceed the amount, annually, that the Agency has received in tax increments from the Project and which are not otherwise pledged or encumbered by the Agency to carry out the redevelopment of the Project;

(c) Which would exceed the amount, annually, that the District(s) would otherwise have received from property taxes had the Project not been adopted; or

(d) Which would violate a District's expenditure limitation under Article XIII.B. of the California Constitution and laws in implementation thereof.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 6th day of July, 1983, by Agency member Sutton, who moved its adoption, which motion being duly seconded by Agency member Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright


NOES: Agency members: None

ABSENT: Agency members: Chairperson Mensinger

ATTEST:   
JUDY C. HALL, Acting Secretary

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 8-83

RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO RELATIVE TO POTENTIAL  
FINANCIAL IMPACTS OF THE PROPOSED MODESTO  
REDEVELOPMENT PROJECT UPON THE COUNTY OF  
STANISLAUS AND THE EAST SIDE MOSQUITO  
ABATEMENT DISTRICT IN CONNECTION WITH  
DEVELOPMENT OF THE LINCOLN SCHOOL SITE

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is proposing for adoption by the City Council of the City of Modesto (the "City") a Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") based upon a Preliminary Plan for the Project formulated and adopted by the Planning Commission of the City by Resolution No. 82-193 on December 20, 1982; and

WHEREAS, the County of Stanislaus (the "County") and the East Side Mosquito Abatement District (the "District") receive taxes from the area within the boundaries of the Project (the "Project Area"); and

WHEREAS, if the Redevelopment Plan for the Project is adopted by the City Council, then pursuant to Article XVI, Section 16, of the California Constitution; Section 33670 et seq. of the California Health and Safety Code and the proposed Redevelopment Plan for the Project, increases in the assessed values of property within the Project Area above the sum of the assessed values as shown on the 1982-83 assessment roll (the "Base Year Roll for the Project") will result in that portion of property taxes levied each year on such increase in assessed values ("tax increments") being allocated and paid to the Agency to pay the principal of and interest on loans, monies advanced to or

indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment of the Project; and

WHEREAS, a specific plan or project for development of a certain site within the Project Area known as the Lincoln School site as shown on the attached map (Exhibit A) has not been approved and, therefore, the fiscal impacts, including the possible increase in levels of County or District services, are unknown and cannot be determined at this time; and

WHEREAS, the County and the District have expressed concern over development of the Lincoln School site and its potential for creating a financial burden or detriment to the County or the District, including any increased levels of services to be provided by the County or the District; and

WHEREAS, Section 33401 of the California Health and Safety Code provides that a redevelopment agency may pay to any taxing agency with territory located within a project area any amounts of money which, in the agency's determination, are appropriate to alleviate any financial burden or detriment caused to such taxing agency by a redevelopment project; and

WHEREAS, the Agency desires to adopt this policy resolution, in anticipation of the adoption of the Redevelopment Plan, to set forth procedures for consideration by the Agency of any future financial burden or detriment, including increased levels of services, caused to the County or the District by development of the Lincoln School site;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Upon development of a specific plan or project for the Lincoln School site, the Agency agrees to review and consider the fiscal impacts upon the County and

the District, caused by any potential increased levels of services to be provided by the County or the District, in order to determine whether such development of the Lincoln School site may cause a financial burden or detriment to the County or the District.

Section 2. In the event the Agency determines that development of the Lincoln School site may cause a financial burden or detriment to the County or the District, the Agency agrees to meet with the County or the District, or both, and review and consider alternatives for alleviating any such proven financial burden or detriment.

Section 3. In no event shall payments be made to the County or the District by the Agency:

(a) Unless the Agency finds and determines that the payment is necessary to alleviate a financial burden or hardship on the County or the District; or

(b) Which would violate the County's or District's expenditure limitation under Article XIII-B of the California Constitution; or

(c) Which would exceed the amount, annually, that the Agency has received in tax increments from the Lincoln School site and which are not otherwise pledged or encumbered by the Agency to carry out the redevelopment of the Lincoln School site.

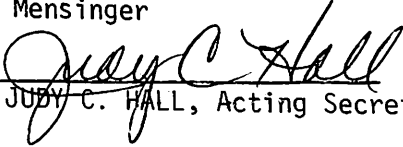
The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 6th day of July, 1983, by Agency member Sutton, who moved its adoption, which motion being duly seconded by Agency member Whiteside,

was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Chairperson Mensinger

ATTEST:   
JUDY C. HALL, Acting Secretary

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO. 9-83

RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO DIRECTING THE EXECUTIVE  
DIRECTOR TO PREPARE AN AGREEMENT BETWEEN  
THE REDEVELOPMENT AGENCY OF THE CITY OF  
MODESTO AND THE AFFECTED TAXING ENTITIES  
RELATIVE TO POTENTIAL FINANCIAL IMPACTS OF  
THE PROPOSED MODESTO REDEVELOPMENT PROJECT

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is proposing for adoption by the City Council of the City of Modesto (the "City") a Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") based upon a Preliminary Plan for the Project formulated and adopted by the Planning Commission of the City by Resolution No. 82-193 on December 20, 1982; and

WHEREAS, various affected taxing entities as defined in Section 33353.2 of the Health and Safety Code (the "Taxing Entities") receive taxes from the area within the boundaries of the Project (the "Project Area"); and

WHEREAS, if the Redevelopment Plan for the Project is adopted by the City Council, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 et seq. of the California Health and Safety Code and the proposed Redevelopment Plan for the Project, increases in the assessed values of property within the Project Area above the sum of the assessed values as shown on the 1982-83 assessment roll (the "Base Year Roll for the Project") will result in that portion of property taxes levied each year on such increase in assessed values ("tax increments") being allocated and paid to the Agency to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency, to finance or refinance, in whole or in part, redevelopment of the Project; and

WHEREAS, the Taxing Entities have expressed concern and have claimed that they would suffer a financial burden or detriment due to the Project, based on the fact that the City has acquired property in the Project Area over the last several years and, because this property is exempt from taxes, the 1982-83 Base Year Roll for the Project is lower than it would have been if the City had not acquired this property; and

WHEREAS, Section 33401 of the California Health and Safety Code provides that a redevelopment agency may pay to any taxing entity with territory located within a project area any amounts of money which, in the agency's determination, are appropriate to alleviate any financial burden or detriment caused to such taxing entity by a redevelopment project; and

WHEREAS, the Agency intends to enter into an agreement with the Taxing Entities which will respond to and alleviate any proven financial burden or detriment caused to the Taxing Entities by the Project;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Executive Director of the Agency is hereby directed to prepare an agreement between the Agency and the Taxing Entities which will include, the following provisions:

(a) The Agency shall make annual payments to the Taxing Entities attributable to increases in the assessed values of property in the Project Area which are, or otherwise would be, calculated annually pursuant to subdivision (f) of Section 110.1 of the Revenue and Taxation Code (i.e., up to two percent (2%), hereinafter referred to as the "Proposition 13 Increase." Such annual payments shall be calculated according to this subparagraph (a) until such time as subparagraph (b) of this Section 1 is applicable to a specific parcel of property.

(b) Once all or a portion of the property owned by the City or Agency is replaced on the assessment roll, the Agency shall make annual payments to the Taxing Entities attributable to increases in the assessed values of such parcels of property as shown on the Artificial Base Roll which are, or otherwise would be, calculated annually pursuant to subdivision (f) of Section 110.1 of the Revenue and Taxation Code. The Artificial Base Roll, as used herein, means the Base Year Roll values plus the values of property owned by the City or Agency in the Project Area at the time they were in private ownership immediately prior to the acquisition of such property by the City or Agency.

(c) Upon the replacement of all or a portion of such properties owned by the City or Agency in the Project Area on the assessment roll and upon the receipt of tax increments by the Agency from all or a portion of such properties, the Agency shall pay annually to the Taxing Entities their proportionate share of \$16,500 (the estimated annual amount of increased taxes that would have been payable to the Taxing Entities if the Base Year Roll for the Project were the Artificial Base Roll).

(d) The obligation to make any payments under subdivision (a), (b) or (c) of this Section shall be limited to the amount of property tax revenues actually received by the Agency in the year in which such payments are made.

Section 2. Each year the Agency shall only apply for tax increments in an amount which is necessary to pay debt incurred by the Agency.

Section 3. Any tax increment monies that are not needed to pay debt incurred by the Agency will be allocated to the Taxing Entities.

Section 4. The Agency shall not use tax increment monies for the normal operation and maintenance of buildings, facilities, structures or other improvements which are publicly owned.

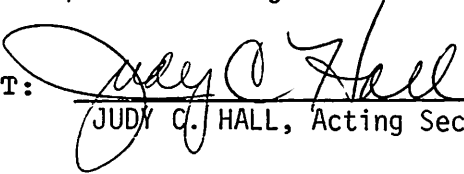
Section 5. The Agency shall conduct a hearing every two years for the purpose of reviewing the Redevelopment Plan and evaluating its progress, and shall invite the Taxing Entities to participate in such hearing.

Section 6. The Agency shall make payments as provided in Section 1 of this resolution to all affected Taxing Entities, including school districts, except for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 6th day of July, 1983, by Agency member Sutton, who moved its adoption, which motion being duly seconded by Agency member Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agency members:	Lang, Muratore, Patterson, Sutton, Whiteside, Acting Chairperson Bright
NOES:	Agency members:	None
ABSENT:	Agency members:	Chairperson Mensinger


ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting Secretary

(SEAL)

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO  
RESOLUTION NO.10 -83

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO APPROVING A LETTER AGREEMENT WITH LAVENTHOL AND HORWATH FOR A HOTEL MARKET OVERVIEW STUDY

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the letter agreement between the Redevelopment Agency and Laventhol and Horwath for a hotel market overview study for an estimated amount of \$7,100 - \$8,100, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated agency officials be authorized.

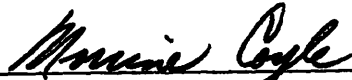
The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 2nd day of August, 1983, by Agency member Lang, who moved its adoption, which motion being duly seconded by Agency member Whiteside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Lang, Muratore, Patterson, Sutton,  
Whiteside, Acting Chairperson Bright

NOES: Agency members: None

ABSENT: Agency members: Mensinger

ATTEST:

  
\_\_\_\_\_  
Norrine Coyle, Secretary

RESOLUTION OF THE REDEVELOPMENT AGENCY  
OF THE CITY OF MODESTO APPROVING AND  
ADOPTING AN AMENDMENT TO THE BYLAWS OF  
THE REDEVELOPMENT AGENCY OF THE CITY OF  
MODESTO

WHEREAS, Section 33125 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides that a redevelopment agency may make, amend and repeal bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of the agency under the Community Redevelopment Law; and

WHEREAS, by Resolution No. 2-82, the Redevelopment Agency of the City of Modesto (the "Agency") adopted the Bylaws of the Redevelopment Agency of the City of Modesto (the "Bylaws") for the conduct of its business; and

WHEREAS, Article IV, Section 4.01 of the Agency's Bylaws provides that an amendment may be made to the Bylaws by the majority vote of the members of the Agency, provided at least seven (7) days' written notice thereof has been given to each member; and

WHEREAS, the Agency now desires to amend its Bylaws for the purpose of redesignating their regular meeting; and

WHEREAS, on October 11, 1983, all Agency members were provided written notice by the Executive Director of the Agency of the proposed amendment in the form of a copy of the "Memorandum" attached hereto as Exhibit A;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Article III, Section 3.01 ("Annual Meeting") of the Bylaws is hereby amended to read as follows:

"Section 3.01. Annual Regular Meeting.  
The annual regular meeting of the Agency shall be held on the same day and at the same time as the meeting of the City Council of the City of Modesto as specified in the Charter of the

Section 2. Article III, Section 3.02 ("Regular Meeting")  
is hereby deleted.

Section 3. Article III, Sections 3.03 ("Special Meetings"),  
Section 3.04 ("Quorum"), Section 3.05 ("Order of Business"),  
Section 3.06 ("Manner of Voting") and Section 3.07 ("Rules  
of Procedure") are hereby renumbered to Sections 3.02,  
3.03, 3.04, 3.05, and 3.06, respectively.

The foregoing resolution was introduced at a regular  
meeting of the Redevelopment Agency of the City of Modesto  
held on the 18th day of October, 1983, by Agency  
member Bright, who moved its adoption, which motion  
being duly seconded by Agency member Lang, was  
upon roll call carried and the resolution adopted by the  
following vote:

AYES: Agency Members: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside, Chairperson Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST: Norrine Coyle  
NORRINE COYLE, Secretary

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, Gen. Counsel



# MODESTO REDEVELOPMENT AGENCY

October 7, 1983

TO: Executive Director  
FROM: Senior Planner Herrero  
SUBJECT: Amendment of Agency Bylaws

Agency bylaws now require regular meetings be held at the same time as Council meetings. Since the Agency does not meet regularly, though, it is proposed to amend the bylaws to only require an annual regular meeting. All other Agency meetings would be special meetings on an as-needed basis. This is the same procedure recently adopted for the Industrial Development Authority.

Amending the bylaws requires seven days written notice to Agency members. It is recommended that this memo and its attachments be distributed on October 11 and the amendment adopted on October 18.

*Mike Herrero*  
Michael C. Herrero

MCH/jt

cc: General Counsel  
Secretary (12)

Attachment

EXHIBIT A

BYLAWS OF THE  
REDEVELOPMENT AGENCY  
OF THE CITY OF MODESTO

ARTICLE I - THE AGENCY

Section 1.01. Name of Agency. The official name of the Agency shall be the "Redevelopment Agency of the City of Modesto."

Section 1.02. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 1.03. Office of Agency and Place of Meetings. The office of the Agency shall be at 801 11th Street, Modesto, California, but the Agency may hold its meetings at any place in the City of Modesto, California, which the Agency may from time-to-time designate.

Section 1.04. Powers. The powers of the Agency shall be vested in the members thereof then in office, who reserve unto themselves the right to delegate by resolutions such powers as are appropriate and permissible by law.

Section 1.05. Members. The members of the Agency shall be the members of the City Council of the City of Modesto.

ARTICLE II - OFFICERS

Section 2.01. Officers. The officers of the Agency shall be a Chairman and a Vice-Chairman. Other officials acting as its staff shall be an Executive Director, an Assistant Director, a Finance Officer, a General Counsel and a Secretary.

Section 2.02. Chairman. The Chairman of the Agency shall be the Mayor of the City of Modesto elected as provided by the Charter of the City of Modesto. The Chairman shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency or the provisions of these Bylaws, the Chairman shall sign all contracts, deeds and other instruments made by the Agency. At each meeting, the Chairman shall submit recommendations and information as the Chairman may consider proper concerning the business, affairs and policies of the Agency.

Section 2.03. Vice-Chairman. The Vice-Chairman shall be the Vice-Mayor of the City of Modesto as designated and provided by the Charter of the City of Modesto. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In the absence of the Chairman and Vice-Chairman, the Agency members shall elect a member present as Chairman pro tempore for the purpose of conducting meetings and performing the duties of the Chairman.

Section 2.04. Executive Director. The Executive Director shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Executive Director shall have general supervision over administration of the Agency business and its affairs, subject to the direction of the Agency. The Executive Director shall sign all orders and checks for the payment of money as authorized by the Agency. The Executive Director shall give such bond for faithful performance of the Executive Director's duties as the Agency may determine.

Section 2.05. Assistant Director. The Assistant Director shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Assistant Director

shall assist in the general supervision and administration of Agency business and its affairs, subject to the direction of the Executive Director and the Agency.

Section 2.06. Finance Officer. The Finance Officer shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Finance Officer shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency in such bank or banks as the Agency may select. The Finance Officer shall prepare all orders and checks for the payment of money and shall pay out and disburse such monies. The Finance officer shall submit all such orders and checks to the Executive Director for signature and to the Secretary for co-signature. The Finance Officer shall keep regular books of account, showing receipts and expenditures and shall render to the Agency on a quarterly basis, or more often when requested, an account of the Agency's transactions and also the financial conditions of the Agency. The Finance Officer shall give such bond for faithful performance of the Finance Officer's duties as the Agency may determine.

Section 2.07. General Counsel. The General Counsel shall be appointed by the Agency and shall serve at the pleasure of the Agency. The General Counsel shall be the chief legal officer of the Agency and shall be responsible for the preparation of all proposed resolutions, laws, rules, contracts, bonds and all other legal papers for the Agency. The General Counsel shall give advice or opinions in writing to the Chairman or other Agency officers whenever required to do so. The General Counsel shall attend to all suits and other matters to which the Agency is a part or in which the Agency may be legally interested and do such other things pertaining to the General Counsel's office as the Agency may require.

Section 2.08. Secretary. The Secretary shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Secretary shall keep the records of the Agency, shall act as secretary at meetings of the Agency and shall record all votes and keep a record of the proceedings of the Agency in a journal of proceedings to be kept for such purpose and shall perform all duties incident to the Secretary's office. The Secretary shall maintain a record of all official proceedings of the City Council of the City of Modesto relevant to the Agency and the redevelopment program. The Secretary shall countersign all orders and checks for the payment of money. The Secretary shall give such bond for faithful performance of the Secretary's duties as the Agency may determine.

Section 2.09. Expenses. Members of the Agency shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties.

Section 2.10. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time-to-time be required by the Agency or the Bylaws or rules and regulations of the Agency.

Section 2.11. Election or Appointment of Officers. Officers other than Chairman and Vice-Chairman shall be appointed at the annual meetings of the Agency.

Section 2.12. Vacancies. Should the offices of Chairman or Vice-Chairman become vacant, the Agency shall elect a successor in the same manner as provided for the Mayor and the Vice-Mayor in the Charter of the City of Modesto. Should any office other than Chairman or Vice-Chairman become vacant, the Agency shall appoint a successor within a reasonable time or by resolution determine that such office shall remain vacant for a definite or indefinite period of time.

from time-to-time appoint or employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the California Community Redevelopment Law and all other laws of the State of California applicable thereto. The selection, duties and compensation of such personnel shall be determined by the Agency, subject to the laws of the State of California.

### ARTICLE III - MEETINGS

Section 3.01. Annual Regular Meeting. The annual regular meeting of the Agency shall be held on the same day and at the same time as the meeting of the City Council of the City of Modesto as specified in the Charter of the City of Modesto for the designation of the Vice-Mayor, in the chambers of the City Council, 801 11th Street, Modesto, California.

Section 3.02. Special Meetings. The Chairman of the Agency may, when he deems it expedient, and shall, upon the written request of two (2) members of the Agency, call a special meeting of the Agency for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Ralph M. Brown Act, Government Code Section 54950 et seq. At such special meeting, no business shall be considered other than as designated in the call.

Section 3.03. Quorum. Four (4) members of the Agency shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time-to-time until the quorum is obtained. Every official act of the Agency shall be adopted by a majority vote. A "majority vote" shall mean a majority of the full membership.

Section 3.04. Order of Business. At the annual regular meeting of the Agency, the following shall be the order of business:

- (1) Roll Call;
- (2) Consent items;
- (3) Approval of the minutes of the previous meeting;
- (4) Bills and correspondence;
- (5) Reports of committees;
- (6) Unfinished business;
- (7) New business; and
- (8) Adjournment.

All resolutions shall be in writing and designated by number, reference to which shall be inscribed in the minutes and an approved copy filed in the official book of resolutions of the Agency.

Section 3.05. Manner of Voting. The voting on formal resolutions and on such other matters as may be requested by a majority of the Agency members, shall be by roll call, and the ayes and noes shall be entered upon the minutes of such meeting.

Section 3.06. Rules of Procedure. Unless a different procedure is established by resolution of the Agency, or set forth in these Bylaws, the rules of procedure set forth in Chapter 1, Title II of the Modesto Municipal Code shall govern all meetings of the Agency.

#### ARTICLE IV - AMENDMENTS

Section 4.01. Amendments to Bylaws. The Bylaws of the Agency may be amended by the Agency at any regular or special meeting by majority vote, provided that no such amendment shall be adopted unless at least seven (7) days written notice thereof has been previously given to all members of the Agency. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE V. CONFIDENTIAL  
Section 5.01. Conflicts. Conflicts shall be determined and governed by a Conflict of Interest Code to be adopted by the Agency and approved by the City Council.