

DRAFT

REDEVELOPMENT PLAN AMENDMENTS

MERGED CENTRAL INDUSTRIAL AND SYCAMORE CANYON AND BOX SPRINGS INDUSTRIAL PARK REDEVELOPMENT PROJECTS

This document contains the proposed amendments to the Redevelopment Plan (the “Merged Redevelopment Plan”) for the Merged Central Industrial (also known as “University Avenue Corridor”) and Sycamore Canyon and Box Springs Industrial Park Redevelopment Projects (the “Merged Project Areas”). The Merged Redevelopment Plan sections have been amended to make the following plan changes:

1. Extend non-residential eminent domain authority by twelve years.
2. Increase the maximum amount of tax increment the Agency may receive from within the Merged Project Areas.
3. Increase the maximum principal amount of bonded indebtedness the Agency may have outstanding from the Merged Project Areas.
4. Repeal the deadline for incurring indebtedness in the Merged Project Areas for those portions adopted prior to 1994.
5. Incorporate changes in the duration of the Merged Redevelopment Plan as adopted by Ordinance ****.
6. Incorporate changes in the deadline for receiving tax increment from the Merged Project Areas as adopted by Ordinance ****.

In the following text, added language is indicated by italic, while deleted language is indicated by strike-throughs.

Amendment to Extend Non-Residential Eminent Domain Authority

The text of Section 308 and Section 309 of the Merged Redevelopment Plan is to be changed as follows:

C. [Section 307] Property Acquisition

1. [Section 308] Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property located in the Merged Project Area by gift, devise, exchange, lease, purchase, eminent domain (*except as provided below*) or any other lawful method.

It is in the public interest and is necessary in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in all portions of the Merged Project Area, *excluding therefrom eminent domain authority on all real property legally occupied for residential purposes, including, but not limited to, owner-occupied single-family residences as defined in Ordinance No. 6934 adopted by the City Council of the City of Riverside on February 27, 2007.*

No eminent domain proceeding to acquire property within the Merged Project Area, including the areas added to the Central Industrial Redevelopment Project by the fourth amendment to the Project redevelopment plan (collectively the "Central Industrial Fourth Amendment Area"), and the area to be added to the Sycamore Canyon and Box Springs Industrial Redevelopment Project by the second amendment to the Project redevelopment plan (the "Sycamore Canyon and Box Spring Industrial Second Amendment Area") shall be commenced after twelve (12) years following the effective date of ~~the ordinances which merged the Constituent Projects and adopted this Amended and Restated Redevelopment Plan~~ *Ordinance No. ****, which adopts the Fifth Amendment to this Redevelopment Plan.* Such time limitation may be extended only by amendment of this Plan.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

Without the consent of the owner, the Agency shall not acquire property to be retained by an owner pursuant to a participation agreement if the owner 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 and in its present form and use without the consent of the owner, unless such building requires structural alteration, improvement, modernization, or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan or of any Design Guide adopted by the Agency pursuant to this Plan, and the owner fails or refuses to participate in the Plan or in conformance with any such Design Guide by executing a participation agreement.

2. [Section 309] Acquisition of Personal Property

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

Amendment to Increase the Total Amount of Tax Increment the Agency is Authorized to Receive

The text of Section 502 of the Merged Redevelopment Plan is to be changed as follows:

V. [Section 500] METHOD OF FINANCING THE MERGED PROJECT

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

The Agency is authorized to finance the Merged Project with tax increment funds; interest income; Agency bonds; donations; loans from private financial institutions; the lease or sale of Agency-owned property; owner participant or developer loans; use or transient occupancy taxes; participation in development; or with financial assistance from the City, State of California, the federal government, or any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness in carrying out this Plan. The principal and interest on such indebtedness may be paid from tax increments or any other funds available to the Agency. The City, as it is able, may also supply additional assistance through issuance of bonds, loans and grants and in-kind assistance.

The City or any other public agency may expend money to assist the Agency in carrying out the Merged Project. As available, gas tax funds or other legally available funds from the state and county may be used for street improvements and public transit facilities. All or a portion of the parking may be installed through a parking authority or other public or private entities.

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 as appropriate in carrying out the Merged Project. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

Tax increment financing, as authorized by Section 502 of this Plan, is intended as a source of financing in combination with other sources of financing that may be available for specific Merged Project activities.

B. [Section 502] Tax Increment Funds

All taxes levied upon taxable property within the Constituent Projects within the Merged Project Area each year, by or for the benefit of the State of California, the County of Riverside, the City of Riverside, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinances approving the redevelopment plans for the Constituent Projects and any amendments adding territory thereto, 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 within a constituent project area in the Merged Project Area 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 the applicable constituent project area's adoption ordinance, shall be allocated to and when collected shall be paid to 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 a constituent project within the Merged Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of Riverside last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in that constituent project area on said effective date); and

2. Except as provided in subdivisions 3 and 4 below, 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 bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Merged Project. Unless and until the total assessed valuation of the taxable property within a constituent project area in the Merged Project Area exceeds the total assessed value of the taxable property in that constituent project area 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 that constituent project area shall be paid into the funds of the respective taxing agencies. When said bonds,

loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in that constituent project area shall be paid to the respective taxing agencies as taxes on all other property are paid.

3. Any taxes allocated to the Agency from a constituent project area within the Merged Project Area shall be first used to comply with the terms of any bond resolution or other agreement pledging such taxes from that constituent project area if such indebtedness had been incurred by the Agency on account of such constituent project area prior to the constituent project's merger into the Merged Project.

4. That portion of the taxes in excess of the amount identified in subdivision 1 hereof which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayment of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to and when collected shall be paid into, the fund of that taxing agency. This subdivision 4 shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

The portion of taxes mentioned in subdivision 2 above as being allocated and paid to the Agency is hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Merged 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 Merged Project, subject to the limitations on allocation of taxes, debt creation, and bonded indebtedness contained in the Health and Safety Code and other applicable laws.

The portion of taxes divided and allocated to the Agency from the Constituent Projects pursuant to subdivision 2 above shall not exceed a cumulative total of \$~~619,000,000~~**1,200,000,000** except by amendment of this Plan. This limit shall not apply to, include or prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund established pursuant to Section 33334.3 of the Community Redevelopment Law, or any amounts required to fulfill the Agency's obligations under Section 33413 of the Community Redevelopment Law.

Amendment to Increase the Limit on Bonded Indebtedness

The text of Section 503 of the Merged Redevelopment Plan is to be changed as follows:

C. (Section 503] Agency Bonds

The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of the Merged 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, the State, or any of its political subdivisions and neither the City, the State, nor any of its political subdivisions is liable on 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 Merged Project Area bonded indebtedness to be repaid in whole or part from the allocation of taxes described in subdivision 2 of Section 502 above which can be outstanding at any one time shall not exceed \$~~187,000,000~~*319,000,000* in principal amount, except by amendment of this Plan. This limit, however, shall not prevent the Agency from issuing additional bonds in order to fulfill the Agency's obligations under Section 33413 of the Health and Safety Code.

Repeal of the Time Limit to Establish Indebtedness

The text of Section 504 of the Merged Downtown and Airport Industrial Redevelopment Projects is to be changed as follows:

D. [Section 504] Time Limits on Establishment *and Repayment* of Indebtedness

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Merged Project beyond the following dates for the areas indicated:

1. *For loans, advances or indebtedness to be repaid from any tax increment revenues received from the original Central Industrial Redevelopment Project Area: ~~January 1, 2014, and the area added by amendment in 1984: November 27, 2014~~ That limit established in Section 800, Duration of this Plan's Effectiveness; and*

2. For loans, advances or indebtedness to be repaid from any tax revenues received from the area added to the Central Industrial Redevelopment Project by the fourth amendment to the project's redevelopment plan, adopted on ~~**~~, *1996 July 8, 1997*, by City Council Ordinance No. ~~**~~-6382 ("Central Industrial Fourth Amendment Area"): 20 years from the effective date of Ordinance No. ~~**~~-6382; and

3. *For loans, advances or indebtedness to be repaid from any tax increment revenues received from the original Sycamore Canyon and Box Springs Industrial Park Redevelopment Project Area: That limit established in Section 800, Duration of this Plan's Effectiveness*~~January 1, 2014; and~~

4. *For loans, advances or indebtedness to be repaid from any tax revenues received from the area added to the Sycamore Canyon and Box Springs Industrial Park Redevelopment Project by the second amendment to the projects redevelopment plan, adopted on July 8, 1997*~~1996~~, by City Council Ordinance No. ~~**~~-6383 ("Sycamore Canyon and Box Springs Industrial Park ~~Fourth~~-*Second* Amendment Area"): 20 years from the effective date of Ordinance No. ~~**~~-6383.

Loans, advances, or indebtedness may be repaid over a period of time beyond said time limits. These limits, however, shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund established pursuant to Section 33334.3 of the Community Redevelopment Law and Section 335 of this Plan, or establishing more debt in order to fulfill the Agency's obligations under Section 33413 of the Community Redevelopment Law and Sections 333 or 336 of this Plan. This limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limits contained in Section 506.

~~** Date and ordinance number will be inserted following adoption of the Central Industrial Fourth Amendment and Sycamore Canyon and Box Springs Industrial Park Second Amendment.~~

Previously-Adopted Changes to the Duration of the Plan's Effectiveness

The text of Section 506 of the Merged Redevelopment Plan is to be changed as follows to incorporate the text of previously-adopted time limit changes:

F. [Section 506] Time Limits on Receipt of Tax Increment

The Agency may not receive and shall not repay indebtedness with the proceeds from property taxes received pursuant to Section 33670 of the Community Redevelopment Law and Section 502 of this Plan beyond the following dates for the areas indicated, except to repay debt to be paid from the Low and Moderate Income Housing Fund established pursuant to Section 33334.3 of the Community Redevelopment Law and Section 335 of this Plan, or debt established in order to fulfill the Agency's obligations under Section 33413 of the Community Redevelopment Law and Sections 333 and 336 of this Plan:

1. For indebtedness to be repaid from any tax increment revenues received from the original Central Industrial Redevelopment Project Area: ~~October 25, 2027~~ *October 25, 2030*, and the area added by amendment in 1984: November 27, ~~2034~~ *2037*; and
2. For indebtedness to be repaid from any tax increment revenues received from the Central Industrial Fourth Amendment Area: ~~15-10~~ *15-10* years following the expiration of the duration of this Plan's effectiveness applicable to this said area, as provided in Section 800 to this Plan; and
3. For indebtedness to be repaid from any tax increment revenues received from the original Sycamore Canyon and Box Springs Industrial Park Redevelopment Project Area: December 20, ~~2033~~ *2036*; and
4. For indebtedness to be repaid from any tax increment revenues received from the Sycamore Canyon and Box Spring Industrial Park Second Amendment Area: ~~15-10~~ *15-10* years following the expiration of the duration of this Plan's effectiveness applicable to this said area, as provided in Section 800 to this Plan.

The Text of Section 800 of the Merged Redevelopment Plan is to be changed as follows to incorporate the text of previously-adopted time limit changes:

VIII. [Section 800] DURATION OF THIS PLAN'S EFFECTIVENESS

Except for the non-discrimination and non-segregation provisions imposed by the Agency which shall run in perpetuity, and the affordable housing covenants imposed by the Agency which shall continue in effect for a period as may be determined and specified by the Agency, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for the time periods indicated below: provided, however, that, subject to the limitations and exceptions thereto set forth in Sections 504 and 506 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination dates below, and in such event, this Plan shall continue in effect for the purpose of repaying such bonds or other obligations until the dates of retirement of such bonds or other obligations. The provisions of this Plan shall be effective:

1. For the original Central Industrial Redevelopment Project Area: October 25, ~~2017~~2020, and the area added by amendment in 1984: November 27, ~~2024~~2027; and
2. For the Central Industrial Fourth Amendment Area: until ~~30~~-31 years following the effective date of Ordinance No. ~~6382~~ and
3. For the Sycamore Canyon and Box Springs Industrial Park Redevelopment Project Area: December 20, ~~2023~~2026; and
4. For the Sycamore Canyon and Box Spring Industrial Park Second Amendment Area: until ~~30~~-31 years following the effective date of Ordinance No. ~~6383~~.