

RESOLUTION NO. 90-051

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF June 26, 1990

APPROVAL OF OWNER PARTICIPATION RULES FOR THE MERGED DOWNTOWN REDEVELOPMENT PROJECT AREA

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF
SACRAMENTO:

Section 1: Those certain "Rules Governing Participation
and Preferences by Property Owners and Business Occupants in the
Merged Downtown Redevelopment Project Area" attached hereto and
labeled Exhibit A are hereby approved.

Cecelia Rudin
CHAIR

ATTEST:

[Signature]
SECRETARY

share\reso\partpre.rul

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 90-051
DATE ADOPTED: JUN 26 1990

EXHIBIT A
RULES GOVERNING PARTICIPATION AND PREFERENCES
BY PROPERTY OWNERS AND BUSINESS OCCUPANTS
IN THE
MERGED DOWNTOWN REDEVELOPMENT PROJECT

Adopted by:
Redevelopment Agency of the City of Sacramento

Date:
Resolution No:

RESOLUTION 90-051

JUN 26 1990

TABLE OF CONTENTS

1.	PURPOSE AND INTENT	1
2.	DEFINITIONS	1
3.	OPPORTUNITIES FOR OWNER PARTICIPATION AND PREFERENCES TO BUSINESS OCCUPANTS TO REENTER IN BUSINESS WITHIN REDEVELOPED AREA	1
	3.1. <u>Opportunities for Owner Participation</u> . .	2
	3.2. <u>Preferences for Persons Engaged in Business in the Project Area</u>	2
4.	METHODS OF PARTICIPATION, AND LIMITATIONS THEREON . . .	2
	4.1. <u>Methods of Participation</u>	2
	4.2. <u>Limitations on Participation Opportunities</u>	2
	4.3. <u>Conflicts Between Potential Participants</u>	3
5.	METHODS FOR EXTENDING REENTRY PREFERENCES, AND LIMITATIONS THEREON	3
	5.1. <u>Methods for Extending Reentry Preferences</u>	3
	5.2. <u>Limitation on the Extension of Preferences</u>	4
	5.3. <u>Conflicts Between Business Occupants Seeking Similar Preferences</u>	4
6.	PARTICIPATION PROCEDURES	5
	6.1. <u>Notice and Statement of Interest</u>	5
	6.2. <u>Participation Agreements</u>	5
	6.2.1. <u>General</u>	5
	6.2.2. <u>Contents</u>	5
7.	ENFORCEMENT	6
8.	AMENDMENT OF RULES	6

"Statement of Interest in Participating" Form

RESOLUTION 90-051
JUN 26 1990

RULES GOVERNING PARTICIPATION AND PREFERENCES BY
PROPERTY OWNERS AND BUSINESS OCCUPANTS IN THE
MERGED DOWNTOWN REDEVELOPMENT PROJECT

1. PURPOSE AND INTENT

These rules are adopted to implement the provisions of the Redevelopment Plan for the Merged Downtown Redevelopment Project regarding participation and the exercise of preferences by property owners and business occupants within the Project Area. These rules set forth the procedures governing such preferences and participation.

The California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires the adoption of these rules by the Agency to provide for participation in the redevelopment of the Project Area by owners of real property and the extension of preferences to persons engaged in business within the boundaries of the Project Area to reenter the redeveloped area to the maximum extent feasible consistent with the objectives of the Redevelopment Plan for the Project.

2. DEFINITIONS

As used herein, the following definitions apply:

2.1. "Redevelopment Plan" means the Redevelopment Plan for the Merged Downtown Redevelopment Project, as adopted by the City Council of the City of Sacramento.

2.2. "Project Area" means the project area described in Section 2 of the Redevelopment Plan and shown on Exhibit "A", Redevelopment Plan Map, attached thereto.

2.3. "Agency" means the Redevelopment Agency of the City of Sacramento.

2.4. "Owner" means any person, persons, corporation, association, partnership, or other entity holding fee title to or a long term lease of real property in the Project Area for so long as such Owner holds such title or long term lease.

2.5. "Long Term Lease" means a lease of real property with a term of twenty (20) years or more, with at least five (5) years remaining on such term.

2.6. "Participation Agreement" means an agreement entered into by an Owner with the Agency providing for such Owner to participate in the redevelopment of property within the Project Area in accordance with the provisions of the Redevelopment Plan and these rules.

2.7. "Participant" means an Owner who has entered into a Participation Agreement with the Agency.

2.8. "Business Occupant" means any person, persons, corporation, association, partnership, or other entity engaged in a lawful business within the Project Area for so long as such Business Occupant remains in business within the Project Area.

3. OPPORTUNITIES FOR OWNER PARTICIPATION AND PREFERENCES TO BUSINESS OCCUPANTS TO REENTER IN BUSINESS WITHIN REDEVELOPED AREA

3.1. Opportunities for Owner Participation

Owners of real property within the Project Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Project Area if such participation is feasible and if such Owners agree to participate in the redevelopment in conformity with the Redevelopment Plan and these rules.

3.2. Preferences for Persons Engaged in Business in the Project Area

Business Occupants engaged in business in the Project Area shall be extended reasonable preferences to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Redevelopment Plan and these rules.

4. METHODS OF PARTICIPATION, AND LIMITATIONS THEREON

4.1. Methods of Participation

Participation methods include remaining in substantially the same location either by retaining all or portions of the property, or by retaining all or portions of the property and purchasing adjacent property from the Agency, or joining with another person or entity for the rehabilitation or development of the Owner's property and, if appropriate, other property, or submitting to the Agency for its consideration another method of participation proposal pursuant to these rules. An Owner who participates in the same location may be required to rehabilitate or demolish all or part of his/her existing buildings, or the Agency may acquire the buildings only and then remove or demolish

the buildings. Participation methods also include the Agency buying land and improvements at fair market value from Owners and offering other parcels for purchase and rehabilitation or development by such Owners, or offering an opportunity for such Owners to rehabilitate or develop property jointly with other persons or entities.

4.2. Limitations on Participation Opportunities

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

- 4.2.1. The elimination and changing of some land uses;
- 4.2.2. The construction, realignment, abandonment, widening, opening and/or other alteration or elimination of public rights-of-way;
- 4.2.3. The removal, relocation, and/or installation of public utilities and public facilities;
- 4.2.4. The ability of potential Participants to finance the proposed acquisition, development or rehabilitation in accordance with the Redevelopment Plan;
- 4.2.5. The ability and experience of potential Participants to undertake and complete the proposed rehabilitation or development;
- 4.2.6. Any reduction in the total number of individual parcels in the Project Area;
- 4.2.7. The construction or expansion of public improvements and facilities, and the necessity to assemble areas for such;
- 4.2.8. Any change in orientation and character of the Project Area;
- 4.2.9. The necessity to assemble areas for public and/or private development;
- 4.2.10. The requirements of the Redevelopment Plan and applicable rules, regulations, and ordinances of the City of Sacramento;
- 4.2.11. Any design guide adopted by the Agency pursuant to the Redevelopment Plan;

- 4.2.12. The feasibility of the potential Participant's proposal;
- 4.2.13. The scope of the Participant's proposal; and
- 4.2.14. The superiority of a competing proposal with regard to implementation of the goals of the Redevelopment Plan.

4.3. Conflicts Between Potential Participants

If conflicts develop between the desires of potential Participants for particular sites or land uses, the Agency is, subject to the limitation factors above, authorized to establish reasonable priorities and preferences among the potential Participants and to determine a solution by consideration of such factors as:

- 4.3.1. Length of time in the neighborhood;
- 4.3.2. The needs and desires of the neighborhood;
- 4.3.3. Accommodation of as many potential Participants as possible;
- 4.3.4. Ability to perform;
- 4.3.5. Similar land use to similar land use; and
- 4.3.6. Conformity with intent and purpose of the Redevelopment Plan and these rules.

Participation to the extent feasible shall be available for two or more persons, firms or institutions to join together in partnerships, corporations, or other joint entities.

5. METHODS FOR EXTENDING REENTRY PREFERENCES, AND LIMITATIONS THEREON

5.1. Methods for Extending Reentry Preferences

Whenever a Business Occupant will be displaced by Agency action from the Project Area, the Agency will, prior to such displacement, determine: 1) whether such Business Occupant desires to relocate directly to another location within the Project Area, or 2) if suitable relocation accommodations within the Project Area are not available prior to displacement, whether such Business Occupant would desire to reenter in business within the Project Area at a later date should suitable accommodations become available. For those Business Occupants who desire to relocate directly to another Project Area location, for a period of five

years after the effective date of the ordinance adopting the Redevelopment Plan, the Agency will make reasonable efforts to assist such Business Occupants to find accommodations at locations and rents suitable to their needs. A record of the Business Occupants who cannot be or do not want to be directly relocated within the Project Area, but who have stated that they desire to reenter into business in the Project Area whenever suitable locations and rents are available, will be maintained by the Agency. For a period of five years after the effective date of the Ordinance adopting the Redevelopment Plan the Agency will make reasonable efforts to assist such Business Occupants to find reentry accommodations at locations and rents suitable to their needs. In any event, the Agency shall not be obligated to provide financial assistance to a displaced business occupant in excess of that required by law.

In order to implement the operation of this Section 5.1, the Agency will provide in all Participation Agreements, Disposition and Development Agreements, and other agreements, as applicable, that in the renting or leasing of premises rehabilitated or developed pursuant to such agreements the Participant or developer will give reasonable preferences (over other potential tenants or lessees) to Business Occupants who will be or who have been displaced from their places of business to lease or rent premises within the newly rehabilitated or developed facilities.

5.2. Limitation on the Extension of Preferences

Reentry preferences shall necessarily be subject to and limited by factors such as the following:

- 5.2.1. The extent to which suitable relocation or reentry accommodations exist or are rehabilitated or developed within the Project Area;
- 5.2.2. The extent to which suitable relocation or reentry accommodations are available to displaced Business Occupants within an acceptable time period or at rents and other terms that are acceptable to such displaced Business Occupants, and within their financial means;
- 5.2.3. The extent to which the Agency has control of the proposed reentry accommodations;
- 5.2.4. The compatibility of the displaced business with available relocation or reentry accommodations; and

5.2.5. The requirements of the Redevelopment Plan or any design guide adopted by the Agency pursuant to the Redevelopment Plan.

5.3. Conflicts Between Business Occupants Seeking Similar Preferences

If conflicts develop between Business Occupants who seek similar preferences (e.g., two or more occupants who desire to relocate directly to or to reenter in business at the same premises), the Agency is, subject to the limitation factors above, authorized to establish reasonable priorities and preferences among such occupants and to determine a solution by consideration of such factors as:

- 5.3.1. Length of time in the neighborhood;
- 5.3.2. Accommodation of as many Business Occupants as possible;
- 5.3.3. Appropriateness of the type of business within the proposed premises and/or at the proposed location;
- 5.3.4. The needs and desires of the neighborhood;
- 5.3.5. The feasibility of business success; and
- 5.3.6. Conformity with the intent and purpose of the Redevelopment Plan and these rules.

6. PARTICIPATION PROCEDURES

6.1. Notice and Statement of Interest

Before entering into any Participation Agreements, Disposition and Development Agreements, Exclusive Negotiation Agreements, or taking other actions which may involve the acquisition of real property in the Project Area, the Agency shall first notify Owners of property which may be acquired and permit them to submit Statements of Interest in Participating in the proposed development or in otherwise participating in the redevelopment of the Project Area.

Upon request, the Agency shall promptly deliver to each Owner of real property which may be acquired, a Statement of Interest in Participating form. Those desiring to submit Statements of Interest in Participating must complete and submit such statements to the Agency within thirty (30) days of receipt. Such statements shall include information requested by the Agency and shall be in the form requested by the Agency.

Any Owner may also submit such a statement at any time before such notification.

The Agency shall consider such statements as are submitted on time and shall determine whether reasonable participation for those submitting such statements is available, to either stay in place or to move to another location. The Agency may in its sole discretion determine that a participation proposal is not feasible or in the best interest of the Redevelopment Project or the community, or is otherwise limited by one or more of the criteria set forth in Section 4.2 hereof. In such event, the Agency may select a developer from among prospective participants submitting Statements of Interests in Participating and others invited to submit proposals.

6.2. Participation Agreements

6.2.1. General

Public and private Owners wishing to develop or improve their properties within the Project Area may be required, as a condition to Agency approval of such development, to enter into a binding, written 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 or of any design guide adopted by the Agency pursuant to the Redevelopment Plan.

6.2.2. Contents

A Participation Agreement shall obligate the Owner, and the Owner's heirs, successors and assignees to acquire, rehabilitate, develop and use the property, as may be applicable, in conformance with the Redevelopment Plan and/or to be subject to such other provisions and conditions of the Redevelopment Plan as the Agency may require for the period of time that the Redevelopment Plan is in force and effect, excepting those provisions related to non-discrimination and non-segregation which shall run in perpetuity.

Each Participation Agreement will contain such terms and conditions and will require the potential Participant to join in the recordation of such documents as the Agency may require in order to insure the property will be acquired, rehabilitated, developed and used in accord with the Redevelopment Plan and the agreement. The rights of an Owner Participant under an approved Participation Agreement may or may not, at the Agency's option, be transferable upon sale or other disposition of the property. Participation Agreements will be effective only if approved by a majority vote of the members of the Agency.

7. ENFORCEMENT

In the event a property is not acquired, developed, rehabilitated, or used in conformance with the Redevelopment Plan, or a Participation Agreement, then the Agency is authorized to (1) purchase the property, (2) purchase any interest in the property sufficient to obtain conformance, or (3) take any other appropriate action sufficient to obtain such conformance. The Agency shall not acquire real property retained or developed under an approved Participation Agreement if the Participant fully performs under the agreement.

8. AMENDMENT OF RULES

The Agency may amend these rules at any regular meeting or duly called special meeting held after their adoption, but only after notice to the Agency members and the public. The text of the proposed change shall be furnished along with the notice of the meeting. Such notice shall be delivered at least fourteen (14) days before the date of the meeting at which the proposed amendment will be considered. The method of notice is at the discretion of the Agency.

No such amendment shall retroactively impair the rights of any parties who have executed Participation Agreements with the Agency in reliance upon these rules as presently constituted.

f:\dkt\central\partpre.rul

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY
STATEMENT OF INTEREST IN PARTICIPATING

I hereby express my interest in participating in the Merged Downtown Redevelopment Project and submit the following information:

1. Name: _____ Daytime Telephone: _____
2. Home Address: _____
3. My present involvement in the Project Area is: (check a or b)
- a) _____ I now own property in the Project:
- b) _____ I now lease property in the Project:

Explain: (use additional sheets if necessary) _____

4. Address of Business: _____

5. Name of Business(es) located on my property, if any: _____

6. I _____ own _____ do not own business(es) located on my property (check one)

7. If you do not own the business(es) located on your property, please list the name(s), address(es) and telephone number(s) of the owner(s) on a separate sheet.

8. If I participate: (check a or b)
- a) _____ I would like to continue at the same location
- b) _____ I would like to acquire real property for expansion (indicate approximate requirements; use additional sheets if necessary) _____

REMARKS: (use additional sheets if necessary) _____

I understand that submission of this Statement of Interest in Participating form does not obligate me to participate in the Merged Downtown Redevelopment Project.

Signed _____ Date _____