

ORDINANCE NO. 2549 (N.C.S.)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A ZONE OF BENEFIT
AND REIMBURSEMENT FOR COSTS INCURRED IN CONNECTION WITH THE
ANNEXATION AND ENTITLEMENT OF LANDS IN THE NORTH OF BORONDA
FUTURE GROWTH AREA

WHEREAS, the North of Boronda Future Growth Area (the "FGA") consists of approximately 2,388 acres of land within the city limits of the City of Salinas. The FGA is bounded on the south and southeasterly side by East Boronda Road between San Juan Grade Road and Williams Road; on the west side by San Juan Grade Road; and on the southeasterly side by Williams Road. The northerly boundary of the FGA is the northern and northeasterly boundary of the City of Salinas Sphere of Influence between San Juan Grade Road and Williams Road as adopted by the Monterey County Local Agency Formation Commission on May 19, 2008 by Resolution No. 08-09. The boundaries of the FGA are depicted on Exhibit "A" attached, and includes the Monterey County Assessor Parcels listed in Exhibit "B" attached; and

WHEREAS, the FGA is planned for up to 11,485 dwelling units and up to 3,992 million square feet of commercial/retail/mixed use and public and semi-public uses; and

WHEREAS, planning for the FGA was initiated with the adoption of the City's General Plan. An environmental impact report (the "EIR") was prepared and certified in connection with the adoption of the General Plan. The City's Sphere of Influence ("SOI") was amended to include the FGA, and the FGA was annexed to the City in 2007. A supplemental environmental impact report (the "SEIR") to the Salinas General Plan Final Program EIR was prepared and certified in connection with the SOI amendment and the annexation; and

WHEREAS, the preparation and certification of the SEIR, the SOI amendment and the annexation of the FGA benefitted all of the lands within the FGA; and

WHEREAS, the costs of the SOI amendment, the annexation procedures and SEIR (the "Annexation Costs") were paid by some, but not all, of the owners of the lands within the FGA and the city of Salinas; and

WHEREAS, the City incurred costs and expenses related to the preparation and certification of the SEIR, the SOI amendment and the annexation of the FGA (the "City Costs"), which efforts benefitted all of the lands and the property owners and developers within the FGA, which costs and expenses should be paid by the property owners and the developers; and

WHEREAS, the Annexation Costs and the City Costs should be borne fairly and proportionately by the owners of the property within the FGA annexed to the City and benefitted thereby; and

WHEREAS, the FGA is zoned New Urbanism Interim (NI) to provide a transitional zone for the future growth of the City; and

WHEREAS, all development within the FGA requires the preparation and adoption of statutory specific plans providing for the systematic implementation of the City's general plan within the FGA (Article 8 of Chapter 3 of the California Government code, commencing with Section 65450), and prepared in accordance with the New Urbanism design standards contained in the Salinas Zoning Code (Article 6, Division 15 of the Salinas Zoning Code, commencing with Section 37-60.1150); and

WHEREAS, the City has determined that the adoption of specific plans within the FGA will require compliance with the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387); and

WHEREAS, the City has determined that the FGA shall consist of four (4) planning areas for the purposes of preparation and processing of specific plans and environmental review: a) the West Area, being portions of the FGA lying between San Juan Grade Road and Natividad Road; b) the Central Area, being the portions of the FGA lying between Natividad Road and the extension of Constitution Boulevard; c) the East Area, consisting of the portions of the FGA lying between the extension of Constitution Boulevard and Williams Road; and d) the portions of the West Area included within the adopted Gateway Center Specific Plan; and

WHEREAS, the costs incurred within each planning area associated with preparation of the specific plans and compliance with the provisions of CEQA, as well as the City Costs, should be borne fairly and proportionately by the owners of property within each planning area; and

WHEREAS, the City proposes to establish a system to implement and enforce such reimbursement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Adoption of Recitals. The City Council finds and declares that the foregoing recitals are true and correct.

SECTION 2. Purpose. This ordinance establishes the method to reimburse a person or the City for financing the City Costs, the Annexation Costs, and the Entitlement Costs. It is intended to be used to mitigate the cost of financing such activities by distributing those costs fairly and proportionately among the owners of property within the FGA, at the time those benefitted property owners exercise their development rights under one of the specific plans or otherwise make use of the preparation and approval of any of the specific plans.

SECTION 3. Definitions.

(1) **Annexation.** The annexation of approximately 2,388 acres to the City of Salinas and the Monterey Regional County Sanitation District as approved by the Local Agency Formation Commission of Monterey County on May 19, 2008.

(2) **Annexation Costs.** All costs actually incurred and paid in connection with the preparation, processing, and certification of the SEIR, the adoption of the SOI Amendment, the annexation of the FGA to the City, and the rezoning of the FGA, including, without limitation, staff, consultant, and CEQA costs.

(3) **City Costs.** All Annexation Costs and Entitlement Costs actually incurred, supported by invoice and cancelled check, and paid by the City including, without limitation, any interest charges imposed by the City, compliance with the provisions of CEQA and the CEQA Guidelines and costs incurred for City staff time and for consultants.

(4) **Entitlement Costs.** All costs actually incurred, supported by invoice, cancelled check, and paid in connection with the preparation, processing, and approval of any of the specific plans for lands within the FGA and compliance with the provisions of CEQA and the CEQA Guidelines in connection therewith.

(5) **Non-Participating Owner.** An owner of land within a Zone of Benefit who did not pay any of its Proportionate Share of the Annexation Costs or the Entitlement Costs, or paid less than its Proportionate Share of such costs.

(6) **Owner.** A Person owning land within a Zone of Benefit.

(7) **Person.** An individual or any legal entity, including the City.

(8) **Proportionate Share.** A percentage derived from a fraction in which the denominator shall be the total number of acres in the Zone of Benefit and the numerator shall be the number of acres within the Zone of Benefit owned by an Owner.

(9) Reimbursement. Payment to the City and to Persons who actually incurred and paid Annexation Costs and Entitlement Costs from Reimbursement Charges collected from property owners within a Zone of Benefit established pursuant to this ordinance. In the case of the City, Reimbursements shall be 100% of the City Costs. In the case of other Persons, Reimbursements shall be in an amount equal to the Annexation Costs and Entitlement Costs actually incurred and paid by the Person being reimbursed in excess of that Person's Proportionate Share of such costs as determined pursuant to Sections 7 and 8 of this Ordinance.

(10) Reimbursement Charge. The amount of reimbursement to be paid by a non-participating owner as determined pursuant to Sections 7 and 8 of this Ordinance. The Reimbursement Charge is not intended to limit or replace, and is an addition to, any other development fees or charges imposed by the City or any assessment that may be levied by any assessment district.

(11) SEIR. The Supplement to the Salinas General Plan Final Program EIR certified by the Salinas City Council on December 11, 2007.

(12) SOI Amendment. The Comprehensive Amendment to Update the Spheres of Influence of the City of Salinas and the Monterey Regional Sanitation District approved by the Local Agency Formation Commission of Monterey County on May 19, 2008.

(13) Sponsor. A Person who has paid more than its Proportionate Share of the Annexation Costs or the Entitlement Costs, and who joins in initiating a Zone of Benefit pursuant to this Ordinance.

(14) Zone of Benefit. The area benefitted by the SOI Amendment, the Annexation, or the preparation, processing, and approval of any of the specific plans for lands within the FGA and compliance with the provisions of CEQA and the CEQA Guidelines in connection therewith.

SECTION 4. Initiation of Proceedings.

(1) Any Person seeking to prepare and process a specific plan within one of the FGA planning areas (the "Sponsor") may apply to the City to form a Zone of Benefit covering that planning area.

(2) An application to form a Zone of Benefit shall include the following:

(a) Annexation Costs. A detailed accounting of the Annexation Costs including, but not limited to, (i) the costs of preparation and processing of the SEIR, the SOI City of Salinas

Amendment and the Annexation proceedings, (ii) fees, costs and reimbursements paid to the City in connection with the processing of the SEIR, the SOI amendment and the Annexation of the FGA, (iii) costs incurred by the Sponsor for preparation of technical documents and studies, legal, engineering, planning, fiscal, and other consultants, interest as provided herein, and all other costs in connection with the SOI Amendment and Annexation of the FGA. All Annexation Costs requested for reimbursement are subject to verification and approval by the City.

(b) Entitlement Costs. A detailed accounting of the Entitlement Costs already paid or incurred, including time records of the Sponsor's employees for which reimbursement is claimed, together with a detailed estimate of Entitlement Costs yet to be incurred and paid, including, but not limited to (i) the costs of preparation and processing of a specific plan for all or a portion of the proposed Zone of Benefit, (ii) the cost of preparing and processing the environmental impact report or other environmental document in connection with a specific plan for all or a portion of the proposed Zone of Benefit, (iii) fees, costs and reimbursements paid or to be paid to the City in connection with the processing of the specific plan, and the related environmental impact report or other environmental document, (iv) costs incurred by the Sponsor for preparation of technical documents and studies, legal, engineering, planning, fiscal, and other consultants, interest as provided herein, and all other costs in connection with the preparation and processing of the specific plan and the environmental impact report or other environmental document in connection with the specific plan for all or part of the proposed Zone of Benefit (the "Cost Estimate"). All Entitlement Costs requested for reimbursement are subject to verification and approval by the City.

(c) Interest. A detailed accounting of interest for which the Sponsor seeks reimbursement. Annexation Costs and Entitlement Costs approved for reimbursement pursuant to this Ordinance shall, at the option of the Sponsor, bear interest at six percent (6%) per annum simple interest from the date such costs were actually expended, to the date of the adoption of the resolution provided in Section 8 of this ordinance. The amount of Annexation Costs and Entitlement Costs subsequently authorized for reimbursement by the resolution adopted pursuant to Section 8 of this ordinance shall thereafter bear interest at the rate of eight percent (8%) per annum simple interest from the date of adoption of the resolution. All interest requested for reimbursement is subject to verification and approval by the City.

(d) A narrative explaining why the Sponsor believes the costs included in the Cost Estimate are eligible for reimbursement pursuant to this ordinance.

(e) Documentation showing that the Sponsor informed the other property owners within the planning area of the actual costs incurred and/or anticipated to be incurred, that

City of Salinas
Reimbursement Ordinance

May 20, 2014, 2nd reading, June 3, 2014

the Sponsor attempted to gain financial participation from the other owners within the planning area, and that the Sponsor intends to seek reimbursement pursuant to the provisions of this ordinance.

(f) A map showing the properties to be included in the proposed Zone of Benefit, together with a list of the names, addresses, parcel number, and approximate acreage of all of the owners of lands within the proposed Zone of Benefit as shown on the latest equalized assessment roll.

(g) A narrative explaining how the Annexation Costs, the Entitlement Costs, and the City Costs shall be spread among the properties within the Zone of Benefit on an acreage basis, or on some other basis that the Sponsor believes will fairly and proportionately spread the Annexation Costs, the Entitlement Costs, and the City Costs among the properties within the Zone of Benefit (the "Methodology"), which is deemed to fairly and proportionately represent the benefit rendered to such properties by the expenditure of such costs.

(h) The extent to which the Annexation Costs and the Entitlement Costs has relieved or will relieve other property owners or developers within the proposed Zone of Benefit of the need to obtain an SOI amendment, annexation, prezoning, prepare or process specific plans, environmental impact reports or other environmental documents, and whether or not the properties within the proposed Zone of Benefit would be required, in order to receive approval for future development, to annex their property to the City, obtain rezoning, prepare specific plans, environmental impact reports or other environmental documents in connection with such approvals;

(i) The name and address of the Person(s) to be reimbursed, and the amount of reimbursement claimed by each as of the date of submittal.

The City may request the submittal of any additional information it determines to be relevant and necessary. The City shall have no obligation to review or to process such application until it determines that the application includes all information required by this Section 4, including such additional information it reasonably determines to be relevant and necessary as provided herein.

SECTION 5. Analyst's Report.

(1) Upon receipt of a Zone of Benefit application, the City Engineer or other qualified person selected by the City Manager ("Analyst") shall review the application for the establishment of a Zone of Benefit. Within thirty (30) days after receipt of the application, the Analyst shall determine whether the application is complete and notify the City Manager in writing either that the application is complete, or describe the specific information needed

City of Salinas

Page 6 of 16

Reimbursement Ordinance

May 20, 2014, 2nd reading, June 3, 2014

to complete the application. The City Manager shall thereupon promptly notify the Sponsor of the Analyst's determination. Within sixty (60) days after the application is found complete, the Analyst shall prepare and submit a report (the "Analyst's Report") containing the Analyst's recommendations to the City Council for consideration. If the Analyst is a City employee, the costs of the Analyst's services shall be paid by the City, subject to reimbursement pursuant to this ordinance. If the Analyst is an outside consultant not an employee of the City, the costs of the Analyst's services shall be paid by the Sponsor, subject to reimbursement pursuant to this ordinance. The Analyst's Report shall include the following information:

- (a) Confirmation that i) the Sponsor has or has not incurred and expended the costs for which the Sponsor seeks reimbursement, and ii) the costs were incurred and expended in furtherance of the annexation and entitlement of the properties within the Zone of Benefit;
- (b) A detailed accounting of the City Costs to be reimbursed;
- (c) A verification of the Cost Estimate and the portion of the Cost Estimate for which each Sponsor (including the City) should be reimbursed in accordance with this ordinance;
- (d) The Analyst's recommendation, based upon the Methodology, of the amount of costs to be reimbursed by each property owner within the Zone of Benefit to each Sponsor, including the City, considering the following factors:
 - i. The total amount of Annexation Costs allocated to each Sponsor;
 - ii. The total amount of Entitlement Costs allocated to each Sponsor;
 - iii. The total amount of City Costs to be reimbursed to the City;
 - iv. The amount by which the Annexation Costs and Entitlement Costs incurred by each Sponsor exceeds that Sponsor's fair share of such costs;
 - v. The total amount of reimbursement to be charged each Non-Participating Owner within the Zone of Benefit;
 - vi. Any prior contributions by the Non-participating Owners that should be credited against their proposed reimbursement obligation;
 - vii. The amount of each Non-Participating Owner's reimbursement obligation to each Sponsor expressed as a dollar amount and as a percentage of that Non-Participating Owner's total reimbursement obligation;
 - viii. An explanation of any differences between the Sponsor's proposal and the Analyst's recommendations.

(2) The costs to be reimbursed to each Sponsor shall be limited to that portion of the following costs that exceeds the Sponsor's fair share of such costs: (i) the actual costs of preparation and processing of the SEIR, the SOI Amendment and the Annexation proceedings, (ii) the actual costs of preparation and processing of a specific plan for the Zone of Benefit, (iii) the actual cost of preparing and processing the environmental impact report or other environmental document in connection with the specific plan for the Zone of Benefit, (iv) the actual costs and reimbursements paid or to be paid to the City in connection with the preparation and processing of the SEIR, the SOI Amendment and the Annexation of the FGA, the specific plan and the environmental impact report for the Zone of Benefit, (v) actual costs incurred by the Sponsor for legal, engineering, planning, fiscal and other consultants in connection with the SEIR, the SOI Amendment and the Annexation of the FGA and the preparation and processing of a Specific Plan for the Zone of Benefit, the environmental impact report or other environmental document in connection with the specific plan for the Zone of Benefit, and for City staff time charged in connection with such matters, (vi) the cost of accounting for such costs, and (viii) interest as provided in Section 4(2)(c) of this ordinance on each Non-Participating Owner's share of the reimbursable costs.

SECTION 6: Formation of Zone of Benefit.

(1) Upon the City Manager's receipt of the Analyst's Report, the City shall set a public hearing before the City Council to consider the application and the Analyst's Report. The procedure for establishing the Zone of Benefit shall be as set forth in the Municipal Improvement Act of 1913 (Streets & Highways Code Section 10000, *et seq.*) and shall include the procedures set forth in this ordinance. Not less than forty-five (45) days before the hearing, notice of the hearing shall be: (1) published in a newspaper of general circulation, and (2) mailed by regular mail to the Sponsor and to all property owners within the proposed Zone of Benefit as shown on the latest equalized assessment role in the County Assessor's office. Notice shall be deemed effective on the date of mailing. Failure to receive notice by the Sponsor or affected property owners shall not invalidate or otherwise affect formation of the Zone of Benefit.

(2) The notice shall:

(a) State that a Zone of Benefit has been proposed that includes the property of the person receiving notice;

(b) Briefly describe the Zone of Benefit, the amount (or estimated amount) of costs to be reimbursed; the reason for the reimbursement of the costs; and the circumstances under which the costs must be reimbursed;

- (c) Set the time, date, and location of the hearing; and
- (d) Include such other information as may be required by the City or in the noticing required under the Municipal Improvement Act of 1913 for the establishment of an assessment district, including provisions for a majority protest.

SECTION 7. Hearing.

At the hearing, the City Council shall consider:

- (1) The Sponsor's application;
- (2) The Analyst's Report;
- (3) The proper boundaries for the Zone of Benefit, taking particular consideration of all properties contiguous to or otherwise located so as to directly benefit from the Annexation Costs and the Entitlement Costs, but excluding lands located outside the FGA as described in this Ordinance;
- (4) The actual and estimated costs for which the Sponsor may be reimbursed pursuant to this Ordinance. The Sponsor shall not be entitled to reimbursement for any costs in excess of actual costs incurred and paid by the Sponsor. If the Zone of Benefit is formed before actual costs are known, the Reimbursement Charge may be based on estimated costs. If estimated costs are used, the resolution adopting the Reimbursement Charge shall provide for a recalculation of the Reimbursement Charge within six (6) months following final approval of the specific plan and the expiration of all applicable statutes of limitation to reflect the actual costs, whether less than or more than the estimated costs; and
- (5) All written protests against establishment of the Zone of Benefit and/or levying of the Reimbursement Charge. If a written protest against a proposed fee or charge is presented by owners of a majority (greater than 50%) of the identified parcels of land within the proposed Zone of Benefit, the City shall not establish the Zone of Benefit or levy the Reimbursement Charge against the parcels within the Zone of Benefit.

SECTION 8. Resolution.

- (1) If the Council determines that formation of a Zone of Benefit is appropriate, the Council shall establish that Zone of Benefit by resolution (the "Resolution"). The Resolution shall:

(a) Establish the area of the Zone of Benefit, a listing by assessor's parcel number of all properties within the Zone of Benefit and the Owner thereof as established by the latest equalized assessment role in the County Assessor's office, the Zone of Benefit formation date, and the date when the right of reimbursement ends.

(b) Set forth the actual and estimated cost of the Annexation Costs and the Entitlement Costs for which the Sponsor shall be reimbursed by each Non-Participating Owner.

(c) Set forth the actual and estimated cost of the City Costs for which the City shall be reimbursed by each Owner.

(d) Establish the Reimbursement Charge methodology and show an example of the methodology used to calculate the Reimbursement Charge. The City Council may confirm, amend, alter, modify or correct the Analyst's Methodology.

(e) Establish the amount of each Owner's reimbursement obligation to each Sponsor and to the City (the "Reimbursement Charge") expressed as a dollar amount and as a percentage of that property owner's total reimbursement obligation.

(f) Specify a maturity date ten (10) years from the date of adoption of the Resolution.

(2) Upon adoption of the Resolution, a certified copy of the Resolution shall be sent by the City by certified mail to the Sponsor and to all affected Owners, and recorded in the office of the County Recorder to provide notice to potential purchasers of property within the Zone of Benefit. Failure to make such a recording shall not affect the legality of the formation of the Zone of Benefit or the obligation to pay the Reimbursement Charge. The Sponsor shall be responsible for paying all recording and mailing costs incurred by the City.

SECTION 9. Post-Resolution Entitlement Costs

(1) The Resolution shall be amended from time to time, but not more frequently than annually, upon application of a Sponsor to provide for reimbursement of Entitlement Costs incurred subsequent to the initial adoption of the Resolution.

(2) An application for amendment of the Resolution as provided in this Section 9 shall include the information required by sub-sections (2)(b) through (h) of Section 4 of this ordinance.

(3) Adoption of an amendment to the Resolution shall require review and recommendation by an Analyst as required by Section 5 of this ordinance, notice and hearing as required by Sections 6 and 7 of this ordinance, and adoption and recordation of the amended Resolution as provided in Section 8 of this ordinance.

(4) A final amendment of the Resolution reflecting all Entitlement Costs for the Zone of Benefit shall be adopted pursuant to the provisions of this Section 9 upon the final approval of the specific plan for the Zone of Benefit, the expiration of all applicable statutes of limitation for legal challenge to such approval, and the entry of final judgment in any legal action challenging the approval of the specific plan.

SECTION 10. Non-Participating Owner Becoming a Sponsor.

(1) At any time prior to the adoption of the final amendment of the Resolution, a Non-Participating Owner may become a Sponsor by (1) submitting an application to the City to become a Sponsor, (2) paying to the City all Reimbursement Charges levied against the applicant by the latest amendment of the Resolutions, including accrued interest, in full, (3) payment to the City for reimbursement to the then-existing Sponsors of a Proportionate Share of the Reimbursement Charges attributable to Non-Participating Owners in the Zone of Benefit, including accrued interest; and (4) providing a written undertaking to assume responsibility for payment of a Proportionate Share of any subsequently incurred Entitlement Costs for the Zone of Benefit. Upon receipt of such payments from the applicant, the city shall promptly disburse the funds received as provided in sub-section (2) of Section 12 of this Ordinance.

(2) Upon a Non-Participating Owner becoming a Sponsor as provided in this Section 10, the City shall adopt and record an amended Resolution reflecting all payments, credits and adjustments to the Reimbursement Charges resulting therefrom.

SECTION 11. Legal Challenge:

Any legal action intended to challenge or contest the formation of the Zone of Benefit, the methodology, the amount of the Reimbursement Charge or any person's obligation to reimburse costs as set out in this ordinance shall be commenced within thirty (30) days after the adoption of the Resolution establishing the Zone of Benefit, as provided in California Code of Civil Procedure Section 329.5. The Sponsor(s) of a Zone of Benefit shall have the obligation to defend, indemnify, and hold the City and its officers and employees harmless from any and all claims or expenses arising out of the City's action to form a Zone of Benefit as set forth in this ordinance.

SECTION 12. Payment.

(1) An Owner of property within any Zone of Benefit ("Affected Property") shall pay the City, in addition to any other applicable fees and charges, the Reimbursement Charge established by the City pursuant to this ordinance as a precondition to making application for the first City approval for any of the following: (i) a statutory development agreement for any portion of the Affected Property; (ii) a tentative subdivision map or parcel map to subdivide any portion of the Affected Property; (iii) any permit or land use entitlement for the development of any portion of the Affected Property. An owner of Affected Property shall have no obligation to pay the City unless and until the owner of such Affected Property, or a representative of such owner, applies to obtain approval from the City to develop the Affected Property or to obtain approval as set out in this section.

(2) Reimbursement Charges shall be collected by the City from the owner or developer of the Affected Property. The City shall then immediately pay to the Sponsor a percentage of the amount so collected as specified in the Resolution until the full reimbursement of the amount of reimbursement specified in the Resolution (as most recently amended) has been paid.

(3) Owners shall receive credit against the reimbursement obligation levied against their property pursuant to this ordinance for costs included in the Reimbursement Charge which owner has actually paid through an assessment district, payment of an impact fee, or other verifiable means.

(4) Whenever a reimbursement obligation of an Owner has been paid in full and permanently satisfied, the City shall prepare and record a Notice of Release of Reimbursement Lien identifying by assessor's parcel number and Owner the property being released.

(5) The Sponsor's right to reimbursement is assignable and transferable, including but not limited to collateral assignment to the Sponsor's lender, after written notice is delivered to the City advising the City to whom future payments are to be made and after the City has given its written consent to such assignment or transfer, which consent will not be unreasonably withheld or conditioned.

(6) Collection of the Reimbursement Charge shall cease when all Sponsors have recovered their total share of the Reimbursement Charges.

(7) Notwithstanding anything to the contrary contained herein, Reimbursement Charges shall mature and become due and payable in full by Non-Participating Owners ten (10) years after the date of adoption of the Resolution establishing the Reimbursement Charges, City of Salinas

whereupon the Reimbursement Charges may be enforced against the Non-Participating Owners by any Sponsor.

(8) Reimbursement Charges shall be collected by the City for a period of 20 years. If the Sponsor has not recovered its share of the Reimbursement Charges, the Sponsor may request that the City continue to collect the Reimbursement Charges for an additional 10 years. Such request shall be made in writing to the City Manager at least 120 days prior to the expiration of the 20-year period.

(9) Collection of the costs shall cease when the Sponsor has recovered its share of the development costs or a period of 20 years has lapsed (or 30 years if extended as provided for above), whichever occurs first.

SECTION 13. Partial Invalidity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 14. Environmental Determination

The City Council finds and declares that the adoption and the implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that it can be seen with certainty that there is no possibility that the adoption and the implementation of this ordinance may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3)]

SECTION 15. Effective Date

This ordinance shall take effect thirty (30) days from and after its adoption.

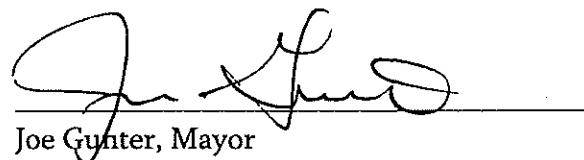
This ordinance was introduced and read on the 20th day of May, 2014, and passed and adopted on the 3rd day of June, 2014, by the following vote:

AYES: Councilmembers: Barrera, Castañeda, Craig, De La Rosa, McShane, and Mayor Gunter

NOES: None

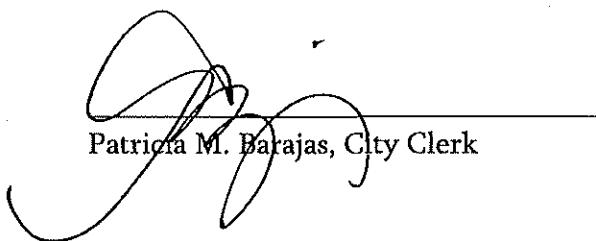
ABSENT: Councilmember Lutes

ABSTAIN: None



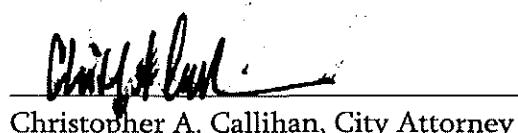
Joe Gunter, Mayor

ATTEST:

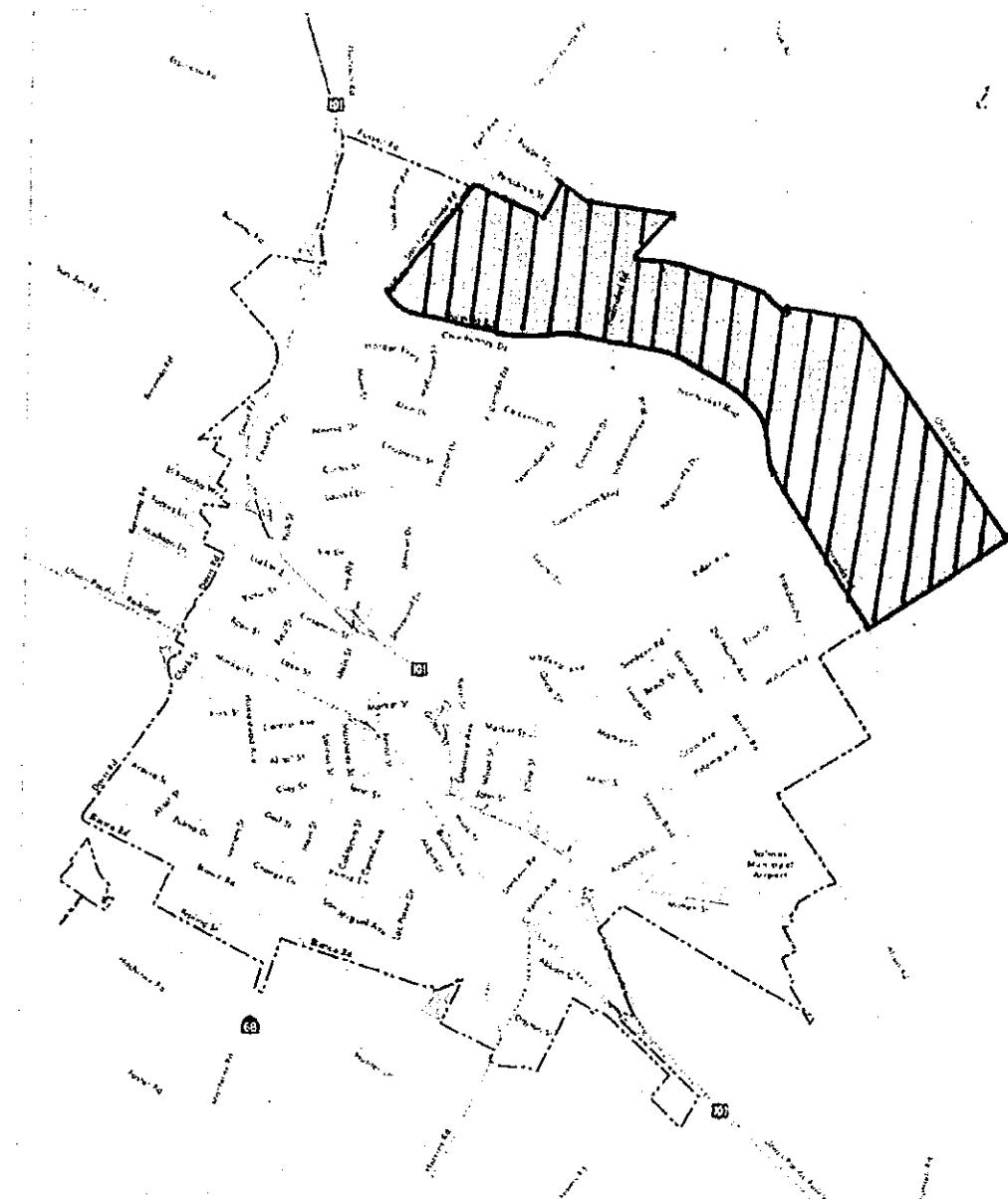


Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:



Christopher A. Callihan, City Attorney



Legend



FGA

EXHIBIT "A"

MONTEREY COUNTY ASSESSOR PARCELS IN FGA

153-101-08, 211-231-12, 153-111-07, 153-091-01, 153-111-03, 153-071-35, 153-071-34, 153-111-06, 211-011-10, 211-231-12, 211-231-13, 153-111-04, 153-091-05, 153-091-03, 153-071-36, 153-071-11, 153-111-05, 211-231-16, 211-011-03, 211-011-09, 153-091-09, 153-091-08, 153-091-10, 153-091-07, 211-011-08, 211-011-02, 153-091-06, 211-231-59, 211-231-60, 211-231-61, 153-101-05, 211-013-04, 211-011-11, 211-011-01, 153-101-06, 153-101-07, 153-111-08, 153-111-09, 153-111-02, 153-111-01, 153-210-24, 153-210-12, 153-011-062, 153-011-064, 153-011-006, 153-011-005, 153-021-011, 153-021-026, 153-021-019, 153-011-043, 153-021-017, 153-021-090, 153-021-016, 153-011-008, 153-011-009, 153-011-042

EXHIBIT 'B'