

ORDINANCE NO. 06-

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, REGULATING THE USE OF EMINENT
DOMAIN FOR ECONOMIC DEVELOPMENT

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Laguna Woods Municipal Code Chapter 11.08
hereby is added to read as follows:

**“Chapter 11.08 EMINENT DOMAIN FOR REDEVELOPMENT AND
ECONOMIC DEVELOPMENT**

Sections:

11.08.010 Purpose.

11.08.020 Definitions.

11.08.030 Eminent Domain by the City

11.08.040 Eminent Domain by Redevelopment Agency

11.08.010 Purpose.

California Health and Safety Code section 33000 et seq. authorizes a city to establish a redevelopment agency by ordinance. Once established, a redevelopment agency may acquire property through eminent domain in furtherance of a redevelopment plan. A redevelopment agency’s eminent domain authority includes the power to take private property and transfer it to another private entity for the purpose of redevelopment. Unlike redevelopment agencies, cities generally cannot use eminent domain to transfer private property from one private owner to another private owner.

The City of Laguna Woods has not established a redevelopment agency. Nevertheless, there exists concern in the community that the City will exercise its eminent domain authority to acquire private residential property for redevelopment by a private party. There also exists concern in

the community that the City may establish a redevelopment agency and the agency may exercise its eminent domain power to acquire private residential property for redevelopment by a private party. The purpose of this chapter is to address those concerns by enacting a limitation regarding the use of eminent domain by the City and by any redevelopment agency authorized by the City.

8.18.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word “shall” is always mandatory and not merely directory.

(05) “Commercial” shall have the meaning set forth at Laguna Woods Municipal Code section 13.06.010(c)(225).

(10) “Industrial” shall mean the manufacturing, processing, repairing, renovating, painting, cleaning, assembling, storage, and/or research and development of goods, merchandise, technology, and/or equipment.

(15) “Redevelopment” shall have the meaning set forth at California Health and Safety Code section 33020 et seq.

(05) “Residential property” means, any building designed for living and sleeping purposes, and having independent cooking and sanitation facilities. This excludes hotels, motels, and other temporary dwelling areas.

(10) “Retail” shall have the meaning set forth at Laguna Woods Municipal Code section 13.06.010(c)(660).

8.18.030 Eminent Domain by the City

The City shall not be permitted to acquire Residential Property by eminent domain for the sole purpose of transferring ownership of that Residential Property to a private party for use in a private Commercial, Retail, Industrial, and/or Residential Property development.

8.18.040 Eminent Domain by Redevelopment Agency.

Any redevelopment agency authorized by the City pursuant to Health and Safety Code section 33000 et seq. shall not be permitted to acquire residential property by eminent domain for the purpose of Redevelopment by a private party.”

SECTION 2. Severability. If any section, 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 City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. City Clerk’s Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five days prior to the date of adoption of this Ordinance, and within fifteen days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2006.

ROBERT BOUER, Mayor

ATTEST:

SUSAN M. CONDON, City Clerk