

ORDINANCE NO. NS-2382

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SANTA ANA AUTHORIZING THE CITY TO ENTER
INTO HISTORIC PROPERTY PRESERVATION
AGREEMENTS PURSUANT TO CALIFORNIA STATE LAW

WHEREAS, California Government Code sections 50280, et seq. authorize the legislative body of a city to contract with a property owner to restrict the use of property deemed historic; and

WHEREAS, the restriction of the property will preserve its historic and cultural significance while providing various tax incentives for the property owner; and

WHEREAS, this council has determined that the preservation of existing historic structures is essential for the protection of the historic heritage of the City of Santa Ana.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

SECTION 1: That Chapter 30 of the Santa Ana Municipal Code is hereby amended to add Division I, sections 30-25 through 30-30, to read as follows:

DIVISION 1. HISTORIC PROPERTY PRESERVATION AGREEMENTS

Sec. 30-25. Purpose and intent.

The city council finds and determines that entering into historical property preservation agreements, as hereinafter provided, will provide an incentive for owners of properties listed on the City of Santa Ana Register of Historical Property to preserve the historic and architectural character of their property, thereby providing a cultural benefit to the citizens of the city.

Sec. 30-26. Definitions.

"Eligible historic property" shall mean property that is listed on the City of Santa Ana Register of Historical Properties.

"Historic Property Preservation Agreement", shall mean an agreement between the owner(s) or agent for the owner(s) of an eligible historic property and the city, meeting all requirements of this division.

Sec. 30-27. Authority.

The historic resources commission reviews and forwards recommendations for historic property preservation agreements to the city council for approval consistent with the procedures established in Chapter 2, section 2-374(c), of this Code.

Sec.30-28. Eligibility.

Eligibility for historic property preservation agreements are limited to the owner(s) of properties duly listed on the City of Santa Ana Register of Historical Properties.

Sec. 30-29. Required provisions of agreements.

The required provisions of a historic property preservation agreement are those as stipulated pursuant to California Government Code Section 50281 et seq. and any additional provisions required by the council as deemed appropriate to preserve eligible historic properties.

Sec. 30-30. Application procedures and processing fee for agreements.

All applications for historic property preservation agreements shall be made in writing and filed with the planning and building agency upon forms provided by the agency. The procedures and content of the application and review of historic property preservation agreements shall be provided by the executive director of the planning and building agency, or his or her designee, to effectuate implementation of this division. A historic property preservation agreement application shall be accompanied by a nonrefundable application fee, established by council resolution, to offset the cost to administer the agreement.

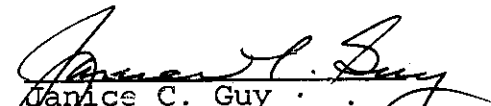
SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The city council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.


SECTION 3: Neither the adoption of this ordinance nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be

construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

ADOPTED this 15th day of March, 1999.

ATTEST:

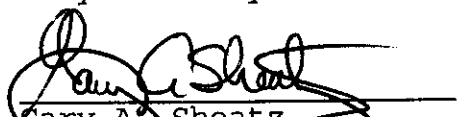

Janice C. Guy
Clerk of the Council


Miguel A. Pulido
Mayor

COUNCILMEMBERS:

- Pulido Aye
- Lutz Aye
- Bist Aye
- Christy Aye
- Franklin Aye
- McGuigan Aye
- Moreno Aye

APPROVED AS TO FORM:
Joseph W. Fletcher
City Attorney


Gary A. Sheatz
Assistant City Attorney

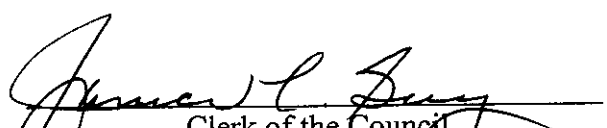
CERTIFICATE OF ORIGINALITY & PUBLICATION

State of California

County of Orange

I, JANICE C. GUY, Clerk of the Council, do hereby certify the attached Ordinance No. NS-2382 to be the original ordinance adopted by the City Council of the City of Santa Ana on 3/15/99; and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 3/18/99


Clerk of the Council
City of Santa Ana