

(RA-2003-1)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03495

ADOPTED ON JULY 09, 2002

FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY  
FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF  
CERTAIN REAL PROPERTY INTERESTS WITHIN THE CENTRE  
CITY REDEVELOPMENT PROJECT AREA.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [Project]; and

WHEREAS, the Agency intends to implement the Centre City Redevelopment Project [Project], a public use, in connection therewith, acquire interests in certain real property, for planning and implementation of the Project, to carry out and make effective the principal purpose pursuant to Code of Civil Procedure section 1240.120(a), and in furtherance of redevelopment pursuant to Health and Safety Code sections 33000, *et seq.* Said public use is a redevelopment function of the Agency; and

WHEREAS, the Agency is authorized to acquire the property interests identified in Exhibit 1 attached to this resolution and exercise the power of Eminent Domain for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 *et seq.* and pursuant to *inter alia*, sections 1240.010, 1240.110, 1255.410 of the California Code of Civil Procedure, and pursuant to

California Community Redevelopment Law, California Health and Safety Code section 33000 *et seq.*; and

WHEREAS the property to be acquired consists of all the property interests of Charlotte Raymond Lowell, James Brower Lowell, Charlotte Safford, Lowell Safford, and Jessie Smith, as successors, heirs and devisees of Alonzo E. Horton, deceased, and their successors, heirs and devisees as to the property identified in Exhibit 1, attached hereto, and incorporated by reference. Exhibit 1 provides a legal description and a map depicting the location of the property interests to be acquired; and

WHEREAS, the Code of Civil Procedure section 1245.235 requires notice and a reasonable opportunity to appear and be heard at the hearing for adoption of a Resolution of Necessity for acquisition by Eminent Domain of the real property interests described herein be given to each person whose property is to be acquired by Eminent Domain and whose name and address appears on the last equalized County Assessment Roll. The property interests to be acquired by Eminent Domain herein are not listed on the County Assessment Roll. Therefore, a Notice of Hearing is not required. However, a Notice of Hearing on the intent of the Agency to adopt a Resolution of Necessity for acquisition by Eminent Domain of the real property interests described herein was published in the San Diego Commerce, a newspaper of general circulation, commencing on June 18, 2002, and continuing through June 21, 2002. Said Notice of Hearing advises said persons or entities of their right to be heard on the matters referred to therein, pursuant to and consistent with Code of Civil Procedure sections 1240.030 and 1245.230, on the date and at the time and place stated therein; and

WHEREAS, the hearing set out in said Notice of Hearing was held on July 9, 2002, at

the time and place stated therein, and all interested parties were given an opportunity to be heard.

The hearing was then closed; NOW, THEREFORE,

BE IT RESOLVED, the Redevelopment Agency of the City of San Diego as follows:

1. The public interest and necessity require the proposed project
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property described herein is necessary for the proposed project.
4. The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the known property interest owner of record by the Agency or, if no such offer was made, an offer was not required because the interest holder of record could not be located and is believed to be deceased, and the interest holder's successor(s) could not be located.
5. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the Agency.
6. That the acquisition by condemnation action(s) of the subject property interests, located in the Centre City Redevelopment Project area, is in conformity with the previously adopted Redevelopment Plan (adopted on May 11, 1992; amended December 27, 1994; amended April 8, 1995) and as later amended and adopted as part of the Ballpark and Ancillary Development Project and associated plan amendments which Redevelopment Plan is incorporated herein by reference. The planning, development, replanning, redesign or clearance of all or part of a project area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of general

welfare, including the replanning or redesign or original development of undeveloped areas, which areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, for the purpose of a new community, or other reasons, are consistent with furthering redevelopment purposes pursuant to and authorized by the California Community Redevelopment Law, Health and Safety Code sections 33000, *et seq.* that the consolidation and assemblage of the property interests described herein is necessary to facilitate redevelopment within the Centre City Redevelopment Project area, as found and determined in the staff report on this acquisition project, which report was approved by the of Board of Directors of the Centre City Development Corporation on June 12, 2002, and is incorporated herein by reference; and

7. The use for which any publicly owned interests are to be taken is compatible with the public use to which the property is currently appropriated consistent with Code of Civil Procedure section 1240.510.

8. The General Counsel of the Agency, and/or its special legal counsel Daley & Heft, is hereby authorized:

a. To acquire in the name of the Agency by condemnation, the property described herein, in accordance with the provisions of the California Eminent Domain Law and the Constitution of California.

b. To acquire the property interests described herein.

c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the Agency such proceedings in the proper court as are necessary for such acquisition.

d. To deposit the probable amount of compensation, based on an appraisal, and to

apply to said court for an order permitting the Agency to take immediate possession and use of said property for said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys  
Deputy General Counsel

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06/17/02

Or.Dept:CCDC

Aud.Cert:2201199

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Council:n/a

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