

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03228

ADOPTED ON SEPTEMBER 12, 2000

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO 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.

The Redevelopment Agency of The City of San Diego, by a vote of two-thirds or more of its members, FINDS, DETERMINES, DECLARES, AND RESOLVES that:

1. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO intends to implement the Centre City Redevelopment Project (the "Project"), a public use, and, 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 section 33000 et seq. Said public use is a redevelopment function of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO.
2. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO is authorized to acquire the parcel(s) described in Exhibit 1 herein 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, 1240.120 and 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.
3. The property to be acquired consists of all the property identified in Exhibit 1. Exhibit 1 includes legal descriptions of the property and a map depicting the location of the property, and is attached hereto and incorporated herein by reference.
4. 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 interest

described herein be given to each person whose property is to be acquired by eminent domain and whose name and address appear 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 intent of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO to adopt a Resolution of Necessity for acquisition by eminent domain of the real property interests described herein has been mailed to the known persons or entities who may have any interests in the property interests described herein. Said Notice of Hearing advised 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.

5. The hearing set out in said Notice of Hearing was held on September 12, 2000, at the time and place stated therein, and all interested parties were given an opportunity to be heard. The hearing was then closed.

Based upon the evidence presented, this REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by vote of two-thirds or more of its members, further FINDS, DETERMINES, DECLARES, AND RESOLVES each of the following:

- a. The public interest and necessity require the proposed project.
- b. 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.
- c. The property described herein in Exhibit 1 is necessary for the proposed project.
- d. The offer required by Section 7267.2(a) of the Government Code was not required because the interest holder or record could not be located and is believed to be deceased, and the interest holder's successor(s) could not be located.
- e. 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 REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO.
- f. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO hereby further finds and declares:

that the acquisition by condemnation action(s) of the subject parcels, 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) which Redevelopment Plan is incorporated herein by reference. The planning, development, replanning, redesign or

clearance of all or part of the 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 planning 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 development of a new community, or other reasons, are consistent with furthering redevelopment of a new community, or other reasons, are consistent with furthering redevelopment goals pursuant to and authorized by the California Community Redevelopment Law, Health and Safety Code section 33000 et seq.

that the proposed acquisition for redevelopment of these sites is planned according to the previously adopted Centre City Community Plan (adopted on April 28, 1992, as amended and adopted on December 6, 1994, by Resolution No. R-285102), which is incorporated herein by reference.

that the acquisition of the parcel described in Exhibit 1 is necessary to facilitate the redevelopment of property within the Project area as found and determined in the staff report on this acquisition program, which report was approved by the Board of Directors of the Centre City Development Corporation on July 16, 1999, and is incorporated herein by reference.

- g. The use for which any publicly owned parcels are to be taken is a more necessary public use than that to which the property is currently appropriated and the taking as to any publicly owned parcels is for a more necessary public use consistent with and authorized by Code of Civil Procedure section 1240.610.
6. The General Counsel of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, and/or its special legal counsel Daley & Heft, is hereby AUTHORIZED and EMPOWERED:
- a. To acquire in the name of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by condemnation, the property described in Exhibit 1, attached hereto and incorporated herein by this reference in accordance with the provisions of the California Eminent Domain Law and the Constitution of California;
  - b. To acquire the property in fee simple absolute unless a lesser estate is described in Exhibit 1, herein.
  - c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO 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 REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO to take immediate possession and use of said property or said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys  
Deputy General Counsel

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