

(RA-2001-71)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03268

ADOPTED ON NOVEMBER 14, 2000

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE TO THE PROPERTY AND IMPROVEMENTS DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE CITY HEIGHTS URBAN VILLAGE TOWN HOMES AND OFFICE CENTER PROJECT, A PUBLIC IMPROVEMENT PROJECT, AND INCIDENTS THERETO; THAT THE PROPERTY INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED ON LOTS 1 THROUGH 48 IN BLOCK 47 OF THE CITY HEIGHTS REDEVELOPMENT PROJECT AREA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE PROJECT; THAT THE PROPERTY INTERESTS SOUGHT TO BE ACQUIRED ARE NECESSARY FOR THE PROJECT; THAT THE PROJECT IS PLANNED OR LOCATED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; THAT ACQUISITION BY EMINENT DOMAIN OF THE PROPERTY INTERESTS SOUGHT IS AUTHORIZED BY LAW; THAT AN OFFER TO ACQUIRE THE PROPERTY AND IMPROVEMENTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE SUBJECT PROPERTY, AS REQUIRED BY GOVERNMENT CODE SECTION 7267.2, AND THEREAFTER REJECTED; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE FEE SIMPLE TITLE TO THE PROPERTY AND IMPROVEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE GENERAL COUNSEL OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO COMMENCE AN EMINENT DOMAIN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, THE COUNTY OF SAN DIEGO, TO CONDEMN, ACQUIRE, AND OBTAIN PREJUDGMENT POSSESSION OF THE PROPERTY INTERESTS FOR THE USE OF THE REDEVELOPMENT AGENCY.

WHEREAS, the Redevelopment Agency of the City of San Diego has provided notice to those persons designated in Section 1245.235 of the California Code of Civil Procedure, whose property is proposed to be acquired by eminent domain for the development of the City Heights Urban Village Town Homes and Office Center Project, and a reasonable opportunity to appear at this hearing and be heard on the matters referred to in Section 1240.030 of the California Code of Civil Procedure;

WHEREAS, the Redevelopment Agency of the City of San Diego desires to acquire the property hereinafter described for the elimination of blight and for the construction, operation and maintenance of the City Heights Urban Village Town Homes and Office Center Project in Block 47 of the City Heights Redevelopment Project Area, in the City and County of San Diego, State of California, as more particularly described hereinafter; and

WHEREAS, the Redevelopment Agency of the City of San Diego has the power of eminent domain to acquire the subject property for the development of the project pursuant to, inter alia, sections 1240.010, 1240.110, 1240.120, and 1255.410 of the California Code of Civil Procedure; sections 33000 et seq. of the California Health and Safety Code, known as the California Community Redevelopment Law; the Redevelopment Plan for the City Heights Redevelopment Project, adopted May 11, 1992, as amended November 28, 1994, and April 16, 1996; and section 220 of the San Diego City Charter;

WHEREAS, it is in the public interest and necessity to acquire all the interests in the subject real property and improvements as hereinafter described for the purpose of the removal of blighting influences and the construction, operation and maintenance of the City Heights Urban Village Town Homes and Office Center Project.

NOW, THEREFORE, BE IT RESOLVED AND FINDINGS MADE BY THE

REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AS FOLLOWS:

Section 1. That the public interest, convenience and necessity of the Redevelopment Agency of the City of San Diego, and the inhabitants thereof, require the removal of blight and revitalization of the City Heights Redevelopment Project Area through a public-private partnership which uses the powers of redevelopment under California Community Redevelopment Law to construct, operate, and maintain the City Heights Urban Village Town Homes and Office Center Project on Block 47 the City Heights Redevelopment Project Area as more particularly described in Section 4 hereof. The project will provide upgraded commercial office and residential facilities, as well as improved public facilities and economic opportunities to support the overall revitalization of the City Heights Community.

Section 2. That the City Heights Urban Village Town Homes and Office Center Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The project is of a size and location to meet the need of the City Heights Community and would remove conditions of physical, social, and economic blight and replace them with first class facilities that will provide high quality housing and additional net housing units for very low, low, and moderate income families as well as high quality office and retail space. The project is centrally located within the City Heights Urban Village and is a complement to the rest of the Urban Village redevelopment so that it is easily accessible to community residents and will tie the total City Heights Urban Village Project area in with the overall neighborhood and its business corridor along with the City Heights Redevelopment Project Area as a whole.

Section 3. That the public interest, convenience and necessity of the Redevelopment Agency of the City of San Diego, and the inhabitants of the City of San Diego, require the

acquisition and taking of fee simple title to all the property interests in the entire block bounded by University Avenue, Fairmount Avenue, Wightman Street and 43rd Streets, including but not limited to, the removal and clearance of the existing improvements thereon, and assembly of lots, for the removal of blight and the construction, operation and maintenance of the City Heights Urban Village Town Homes and Office Center Project. The property sought is a key component of the Urban Village and lies within the City Heights Redevelopment Project Area in the City of San Diego, County of San Diego, State of California. The entire block is needed for the project to be able to provide a critical mass of commercial retail and office space, public parking facilities, residential units, and all of the attendant public facilities and public spaces necessary to meet acceptable design criteria and public code requirements.

Section 4. That sections 1240.010, 1240.110, 1240.120, and 1255.410 of the California Code of Civil Procedure; sections 37350.5 and 40404 of the California Code of Civil Procedure; sections 33000 et seq. of the California Health and Safety Code, known as the California Community Redevelopment Law; the Redevelopment Plan for the City Heights Redevelopment Project, adopted May 11, 1992, as amended November 28, 1994, and April 16, 1996; and section 220 of the San Diego City Charter, inter alia, authorize the acquisition of the subject property referenced herein by eminent domain for a public use such as this redevelopment project.

Section 5. That the property interests sought to be condemned are described as follows:

LEGAL DESCRIPTIONS

A.P.N. #471-552-01, 02, 03 (Parcel 1) - NGUYEN TRUST

PARCEL A:

THE EAST 50 FEET OF LOTS 1 TO 4 INCLUSIVE IN BLOCK 47, OF CITY HEIGHTS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

PARCEL B:

THE WEST 75 FEET OF LOTS 1, 2, 3 AND 4, EXCEPTING THE SOUTH 8 FEET OF WEST 35 FEET OF LOT 4 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. #471-552-04 (Parcel 2) - TRAN

LOTS 5 AND 6 AND THE SOUTH 8 FEET OF THE WEST 32 FEET OF LOT 4 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 3, 1906.

A.P.N. #471-552-05 (Parcel 2a) - NGUYEN

LOTS 7 AND 8 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. # 471-552-06 (Parcels 3, 4, 5) DO

LOTS 9 AND 10 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. #471-552-07 & 08 (PARCELS 3, 6 & 7) - MARIN TRUST

LOTS 11, 12, 13, 14, 15 AND 16, BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN

DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. #471-552-09 (Parcel 9) - COLUMBIAN

LOTS 17 AND 18 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. #471-552-18 (PARCELS 19 & 20) - HERNANDEZ

LOT 28, BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

EXCEPTING THEREFROM THE EASTERLY 10.00 FEET THEREOF, AS CONVEYED TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, IN DEED RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, OCTOBER 13, 1960, AS FILE NO. 204104 OF OFFICIAL RECORDS.

A.P.N. # 471-552-19 (Parcels 21, 22, 23) - PHAM

LOTS 29 AND 30 IN BLOCK 47 CITY HEIGHTS, CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NUMBER 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906. EXCEPTING THEREFROM THE EASTERLY 10 FEET.

A.P.N. #471-552-20 (PARCELS 24 & 25) - BURKS

LOTS 31 AND 32 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY OCTOBER 3, 1906.

EXCEPT THEREFROM THE EASTERLY 10 FEET THEREOF AS DEEDED TO THE CITY OF SAN DIEGO BY DOCUMENT RECORDED NOVEMBER 10, 1960 AS FILE NO. 222136 OF OFFICIAL RECORDS.

A.P.N. # 471-552-21 (Parcel 26) - CAM

LOTS 33 AND 34 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED

MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906, EXCEPT THEREFROM THE EASTERLY 10.00 FEET OF SAID LOTS.

A.P.N. #471-552-23 (PARCEL 32) - SIMON

LOTS 38 AND 39 IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

EXCEPTING THEREFROM THE EASTERLY 10 FEET.

A.P.N. # 471-552-24 & 25 (PARCEL 33) - BELLON

LOTS 40, 41, 42, 43 AND THE SOUTH 10 FEET OF LOT 44 IN BLOCK 47, IN THE CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

EXCEPTING THEREFROM THE EASTERLY 10.00 FEET THEREOF.

A.P.N. # 471-552-26 (Parcel 35) - HUYNH

ALL OF LOTS 45 TO 48, INCLUSIVE, EXCEPTING THE EAST 61.21 FEET THEREOF IN BLOCK 47 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, OCTOBER 3, 1906.

A.P.N. # 471-552-31 (Parcel 34) - MJK

PARCEL A OF PARCEL MAP NO. 814, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 4, 1972 AS FILE NO. 112543 OF OFFICIAL RECORDS.

Section 6. That the offer to acquire said property, as required by Government Code section 7267.2, has been made to the property owners of record based upon the property's appraised fair market value, and was rejected.

Section 7. That the Redevelopment Agency, pursuant to the provisions of the California Environmental Quality ("CEQA"), has reviewed and considered the information contained in Mitigated Negative Declaration LDR File No. 96-00135BG, dated March 11, 1996, that was prepared for the First Amendment to the City Heights Redevelopment Plan and Urban Village Project by the City of San Diego and the Redevelopment Agency of the City of San Diego, and adopted on December 3, 1996 by Resolution No. R-288149. The Redevelopment Agency has determined that no substantial changes or new information of substantial importance, within the meaning of CEQA Guideline section 15162, would warrant any additional environmental review in connection with authorization of condemnation proceedings to develop the City Heights Urban Village Town Homes and Office Center Project.

Section 8. That the General Counsel of the Redevelopment Agency of the City of San Diego be, and hereby is authorized and directed to commence an eminent domain action in the Superior Court of the State of California, the County of San Diego, in the name and on behalf of the Redevelopment Agency of the City of San Diego, against all owners and claimants to an interest in the above-described real property and improvements, to condemn, acquire, and

obtain fee simple title to and prejudgment possession of the property and improvements thereon
for the use of the Redevelopment Agency of the City of San Diego.

APPROVED: CASEY GWINN, General Counsel

By
 Lisa D. O'Neal,
 Deputy Counsel

LDO:kat:Civ
11/2/00
Or.Dept:Redev. Agency
Aud.Cert:
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