

(RA-2002-74)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03422

ADOPTED ON JANUARY 08, 2002

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO DETERMINING AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRES THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS WITHIN THE EAST VILLAGE REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT – PARK TO BAY LINK PROJECT. (Section 1245.330 Code of Civil Procedure) .

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 [Agency] intends to implement the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project – Park to Bay Link Project [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 Agency.
2. The Agency is authorized to acquire the parcel described in Appendix 1 herein and exercise the power of eminent domain for the public uses set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure

sections 1230.010 *et seq.* particularly sections 1240.010, 1240.110, 1240.120 and 1255.410, *inter alia*, of the California Code of Civil Procedure, and the California Community Redevelopment Law, California Health and Safety Code sections 33000 *et seq.*

3. The property to be acquired consists of all the property and interests identified in Appendix 1 attached hereto and incorporated herein by reference including a map thereof. Appendix 1 includes a legal description of the property, parcel and interest to be condemned and the map depicting the location of the property, and is attached hereto and incorporated herein by reference.

4. On December 6, 2001, a Notice of Hearing was mailed, on the Intent of the Agency to Adopt a Resolution of Necessity for acquisition by eminent domain of the real property interest, described in Appendix 1 herein, which Notice of Hearing is attached hereto as Appendix 2 and is incorporated herein by this reference. Said Notice of Hearing was mailed, in accordance with Code of Civil Procedure section 1245.235, to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the property described in Appendix 1, and to the address appearing on said Roll. Said Notice of Hearing advised said persons 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, time and place stated therein.

5. The hearing set out in said Notice of Hearing was held on January 8, 2002, 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, the Agency, by a 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 and property interest described herein in Appendix 1 are necessary for the proposed project.
- d. The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of, and summary of the basis of the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form, and contained all of the factual disclosures provided by Government Code section 7267.2(a).
- 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 Agency.
- f. The Agency hereby further finds and declares:
 - i. That the acquisition by condemnation action of the subject parcel and interest, located in the East Village Redevelopment District (now known as East Village) of the Expansion Sub Area of the Centre City Redevelopment Project – Park to Bay Link Project, 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, re-planning, 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 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 re-planning and land assembly for reclamation or redevelopment in the interest of the general welfare because of widely scattered ownership, for the purpose of development of a new community, and the elimination of blight 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 sections 33000 *et seq.*

ii. That the proposed acquisition for redevelopment of this site and interest 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.

iii. That the acquisition, consolidation and assemblage of the parcel and interest as described in Appendix 1 is necessary for the removal of blighting conditions and influences and to facilitate the redevelopment of property within the Project area pursuant to the Redevelopment Project and 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 December 5, 2001, 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. Be it further resolved that the taking of said real property for redevelopment purposes, to eliminate blight, and the underutilization of land, and specifically for the Park to

Bay Link Project of the Centre City Redevelopment Project and related uses is authorized by Sections 33000, 333020, 33021, 33342, 33391 and 33392 of the California Health & Safety Code and are public uses.

7. The general counsel of the Agency and/or its special legal counsel Detisch & Christensen, is hereby AUTHORIZED and EMPOWERED:

a. To acquire in the name of Agency, by condemnation, the property described in Appendix 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 Appendix 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 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 or said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys
Deputy General Counsel

DKH:ai
12/11/01
Or.Dept:CCDC
Aud.Cert:2200630
RA-2002-74
Council:R-N/A
Form=rda&t-comp.frm