

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03429

ADOPTED ON JANUARY 22, 2002

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 THE LEASEHOLD INTERESTS, IMPROVEMENTS, AND RELATED PROPERTY INTERESTS DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE REGIONAL TRANSPORTATION CENTER PROJECT, A PUBLIC IMPROVEMENT PROJECT, AND INCIDENTS THERETO; THAT THE PROPERTY INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED ON LOTS 1 THROUGH 6 AND THE NORTH 8.00 FEET OF LOT 46 AND ALL OF LOTS 47 THROUGH 48 IN BLOCK 27 OF THE 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 LEASEHOLD AND ANY RELATED INTERESTS AS MAY BE REQUIRED BY GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE BUSINESS TENANTS, AND THEREAFTER REJECTED; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE THE LEASEHOLD INTERESTS OF 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 Regional Transportation 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 leasehold and any related interests on the property hereinafter described for the elimination of blight and for the construction, operation and maintenance of the Regional Transportation Center Project in Block 27 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 Regional Transportation Center Project.

WHEREAS, in connection with the consideration of this Resolution of Necessity, the Redevelopment Agency of the City of San Diego considered the issues discussed in the Mitigated Negative Declaration, LDR NO. 40-0508, dated January 15, 2002, and previously adopted on January 22, 2002, by Resolution No. 03424.

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 Redevelopment Center Project on Block 27 of the City Heights Redevelopment Project Area as more particularly described in Section 4 hereof. The project will provide showroom, demonstration, and educational facilities for alternative fuel sources, as well as economic opportunities to support the overall revitalization of the City Heights Community.

Section 2. That the Regional Transportation 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 showroom, demonstration, and educational facilities that will provide alternative fuel sources to

the general public.

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 the leasehold and any related interests in the entire block bounded by El Cajon Boulevard, Interstate 15, and 41st Street, including but not limited to, the removal and clearance of the existing improvements thereon, for the removal of blight and the construction, operation and maintenance of the Regional Transportation Center Project. The two leasehold and related interests sought are a key component of the Regional Transportation Center and lie within the City Heights Redevelopment Project Area in the City of San Diego, County of San Diego, State of California. Fee title to the property is not sought to be acquired by this particular action; The entire site is needed for the project to be able to provide an adequate and comprehensive alternative fuel source facility.

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 leasehold and related interests sought to be condemned are on the following parcels of property described more particularly as follows:

LEGAL DESCRIPTIONS

A.P.N.# (Parcel 1) - 454-742-02

AT&T Leasehold And Any Related Property Interests Located on:

The North 8.00 feet of Lot 46 and all of Lots 47 and 48 in Block 27 of the Resubdivision of Block "K" and "L" of Teralta, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 1037, filed in the Office of the County Recorder of San Diego County, March 8, 1907.

A.P.N.# (Parcels 2 & 3) - 454-742-27; 454-742-28

Weksler Leasehold And Any Related Property Interests Located on:

The Easterly 25 feet of Lots 1 to 6 inclusive in Block 27 of the Resubdivision of Block "K" and "L" of Teralta, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 1037, filed in the Office of the County Recorder of San Diego County, March 8, 1907.

Fee title to the property is not sought to be acquired by this particular action.

Section 6. That an offer to acquire said property interest(s), as may be required by Government Code section 7267.2, has been made to the business tenants, and was rejected.

Section 7. That in connection with this action the Redevelopment Agency of the City of San Diego has reviewed and considered the information contained in Mitigated Negative Declaration, LDR NO. 40-0508, dated January 15, 2002, and adopted January 22, 2002 by Resolution No. R-295989, on file in the office of the City Clerk, including any comments received during the public review process; that it has been determined that no substantial changes or new information of substantial importance, within the meaning of California Environmental Quality Act Guideline section 15162, would warrant any additional environmental review in connection with authorization of condemnation proceedings to develop the Regional Transportation Center Project; that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above 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 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
Kenneth R. So,
Deputy Counsel

KRS:kat:Civ
12/19/01
01/11/02 (COR. COPY)
Or.Dept:Redev. Agency
RA-2002-77
Form=acqredv.res