

(RA-2003-8)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03508

ADOPTED ON JULY 16, 2002

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO REGARDING THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR THE CENTRE CITY REDEVELOPMENT PROJECT (CODE OF CIVIL PROCEDURE SECTION 1245.330).

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, 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 sections 33000, *et seq.* Said public use is a redevelopment function of the Agency; and

WHEREAS, the Agency is authorized to acquire the parcel(s) described in Exhibits 1-5 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.*; and

WHEREAS, the properties to be acquired consists of the properties in Exhibits 1-5, attached hereto and incorporated herein by reference, including a map thereof; and

WHEREAS, on June 20, 2002, there was mailed a Notice of Hearing on the Intent of the Agency to Adopt a Resolution of Necessity for acquisition by Eminent Domain of the real properties described in Exhibits 1-5 herein. 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 properties described in Exhibits 1-5, and to the addresses 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 and at the time and place stated therein; and

WHEREAS, the hearing set out in said Notice of Hearing was held on July 16, 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, by 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 properties described herein in Exhibits 1-5 are 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 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); the offers were made on April 10, 2002.

5. All conditions and statutory requirements necessary to exercise the power of Eminent Domain ("the right to take") to acquire the properties described herein have been complied with by the Agency.

6. The acquisition by condemnation action(s) of the subject parcels, located in the Centre City East Redevelopment District (now known as "East Village") of the Expansion Sub Area of the Centre City Redevelopment Project is in conformity with the previously adopted Redevelopment Plan (adopted on May 11, 1992; amended December 27, 1994; amended April 8, 1995; amended October 26, 1999) which Redevelopment Plan is incorporated herein by reference. The assemblage of property interests and the elimination of blighting conditions and influences will improve the neighborhood and quality of life for residents, visitors, property owners and tenants of this area, all of which are consistent with furthering redevelopment goals pursuant to and authorized by the California Community Redevelopment Law, Health and Safety Code sections 33000, *et seq.*

7. 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 Number R-285102 and as later amended as

part of the Ballpark and Ancillary Development Project and associated plan amendments), which is incorporated herein by reference.

8. The acquisition, consolidation and assemblage of the parcels described in Exhibits 1-5 are 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 June 12, 2002, and is incorporated herein by reference.

9. The acquisition of the subject parcels described and depicted in Exhibits 1-5 are deemed necessary for the removal of blighting conditions and influences and for the construction, operation and maintenance of the Centre City Redevelopment Project, consistent with the uses permitted by the adopted Centre City Community Plan, and that the proposed project is necessary to revitalize the Centre City area and specifically the Centre City East Redevelopment District (now known as "East Village") of the Expansion Sub Area of the Centre City Redevelopment Project; and more specifically in furtherance of the Ballpark and Ancillary Development Project.

10. The use for which any publicly owned parcels are to be taken is a more necessary public use than that to which the properties are 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.

11. 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 properties described in Exhibits 1-5, 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 Exhibits 1-5, 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; and

d. To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the to take immediate possession and use of said properties for said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys
Deputy General Counsel

DKH:ai
06/12/02
Or.Dept:CCDC
Aud.Cert:N/A
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Council:R-n/a
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