

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-03766
ADOPTED ON APRIL 27, 2004

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO DETERMINING AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO REQUIRES THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS WITHIN THE GASLAMP QUARTER SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT - RENAISSANCE HOTEL PROJECT. (Section 1245.330 Code of Civil Procedure)

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

1. The Agency intends to implement the Gaslamp Quarter Sub Area of 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 section 33000, *et seq.* The public use is a redevelopment function of the Agency.

2. The Agency is authorized to acquire the parcel described in Appendix 1 and exercise the power of eminent domain for the public use set forth in this Resolution 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 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 interests identified in Appendix 1, attached and incorporated by reference, including the map. Appendix 1 includes legal descriptions of the property and the map depicting the location of the property.

4. On April 9, 2004, 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 property interests described in Appendix 1. The Notice of Hearing is attached as Appendix 2 and is incorporated by this reference. The 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 that Roll. The Notice of Hearing advised those persons of their right to be heard on the matters referred to in the Notice pursuant to and consistent with Code of Civil Procedure sections 1240.03 and 1245.230, on the date and at the time and place stated in the Notice.

5. The hearing set out in the Notice of Hearing was held on April 27, 2004, at the time and place stated in the Notice, and all interested parties were given an opportunity to be heard. The hearing was then closed.

Based upon the evidence presented, this 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 described in Appendix 1 is 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 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).
- e. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property for the Project have been complied with by the Agency.
- f. The Agency further finds and declares:
- that the acquisition by condemnation action of the subject parcel, located in the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project - Renaissance Hotel Project - is in conformity with the previously adopted Redevelopment Plan (adopted on May 11, 1992; amended November 28, 1994; amended January 9, 1995; amended November 8, 1999; amended November 22, 1999; amended September 12, 2000; amended December 9, 2002; amended April 12, 2004). The planning, development, replanning, redesign or clearance of all or part of a 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 replanning or redesign or original development of undeveloped areas, which areas require replanning 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.*

- that the proposed acquisition for redevelopment of this site 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). The Community Plan is incorporated by reference.

- that the acquisition, consolidation and assemblage of the parcels described and depicted in Appendix 1 is necessary for the removal of blighting conditions and influences and 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 April 21, 2004 and is incorporated 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.

h. 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 Renaissance Hotel Project of the Centre City Redevelopment Project and related uses is

authorized by sections 33000, 33020, 33021, 33342, 33391 and 33392 of the California Health and Safety Code and are public uses.

6. The General Counsel of the Agency, and/or its special legal counsel Best Best & Krigger, LLP, is AUTHORIZED and EMPOWERED:

a. To acquire in the name of the Agency, by condemnation, the property described in Appendix 1, attached and incorporated 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 solutions unless a lesser estate is described in Appendix 1.

c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the Agency 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 the property for the public uses and purposes.

7. The Redevelopment Agency, by Resolution No. 2081, has reviewed, considered, and certified the Final Master Environmental Impact Report [MEIR]for the Centre City Redevelopment Project and, by Resolution No. 03058, the Final Subsequent Environmental

Impact Report [SMEIR] for the Ballpark and Ancillary Development Projects, covering this activity. The City council certified the MEIR by Resolution No. R-279875 and the SMEIR by Resolution No. R-292329.

APPROVED: CASEY GWINN, General Counsel

By _____
Douglas K. Humphreys
Deputy Counsel

DKH:ai
04/14/04
Or.Dept:CCDC
Aud.Cert:n/a
RA-2004-129
Council:n/a