

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-03807
ADOPTED ON AUGUST 10, 2004

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO REGARDING THE ACQUISITION
OF PROPERTY BY EMINENT DOMAIN FOR THE NORTH
PARK 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 North Park Redevelopment Project [Project]; and

WHEREAS, the Agency intends to implement the North Park 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 objective of the proposed Project is to eliminate and prevent the spread of blight and deterioration in the Project area. The proposed redevelopment plan focuses on major commercial corridors in the Project area and proposes to rehabilitate and redevelop the

Project area in accordance with the General Plan of the City of San Diego, the adopted Greater North Park Community Plan, the Mid-City Communities Planned District Ordinance, and all local codes and ordinances, including San Diego City Ordinance Nos. O-18386 and OO-18386.

WHEREAS, the Agency is authorized to acquire the parcel(s) described in Exhibit 1 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 consist of the properties in Exhibit 1, attached hereto and incorporated herein by reference, including a map thereof; and

WHEREAS, on July 27, 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 properties described in Exhibit 1 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 Exhibit 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 and at the time and place stated therein; and

WHEREAS, the hearing set out in said Notice of Hearing was held on August 10, 2004, 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 Exhibit 1 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 July 12, 2004.
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 within the project, is in conformity with the previously adopted General Plan of the City of San Diego, the adopted Greater North Park Community Plan, the Mid-City Communities Planned District Ordinance, and all local codes and ordinances, including San Diego City Ordinance Nos. O-18386 and OO-18386. 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 acquisition, consolidation and assemblage of the parcels described in Exhibit 1 is necessary to facilitate the redevelopment of property within the Project area as found and determined in the staff report on this acquisition program.

8. The acquisition of the subject parcels described and depicted in Exhibits 1 are deemed necessary for the removal of blighting conditions and influences and for the construction, operation and maintenance of the North Park Redevelopment Project, consistent with the uses permitted by the adopted Greater North Park Community Plan, and that the proposed project is necessary to revitalize the North Park Project Area; and

9. 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.

10. The General Counsel of Agency, and/or its special legal counsel Daley & Heft, is hereby authorized:

a. To acquire in the name of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by condemnation, the properties described in Exhibit 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 properties in fee simple absolute unless a lesser estate is described in Exhibits 1, 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 Agency to take immediate possession and use of said properties for said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By _____
Rachel H. Young
Deputy General Counsel

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Or.Dept:Redev
Aud.Cert:N/A
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