

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04119

DATE OF FINAL PASSAGE MAR 22 2007

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR THE BARRIO LOGAN 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 Barrio Logan Redevelopment Project [Project]; and

WHEREAS, the Barrio Logan Redevelopment Project was adopted by the City Council of the City of San Diego by ordinance O-17644 on May 20, 1991; and

WHEREAS, the Agency intends to implement the 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 of using the property to preserve the usefulness of the Project 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.; and

WHEREAS, implementation of projects to effectuate said public use is a redevelopment function of the Agency; and

WHEREAS, the Agency's objective in implementing of the proposed Project is to eliminate and prevent the spread of blight and deterioration in the Project Area and the redevelopment plan for the Project Area proposes to rehabilitate and redevelop property within

the Project Area in accordance with all local codes and ordinances pertaining to the Project Area;
and

WHEREAS, the Agency is authorized to acquire the parcel 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 property to be acquired consists of the property in Exhibit 1, attached hereto and incorporated herein by reference, including a map thereof; and

WHEREAS, on February 15, 2007, 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 described in Exhibit 1 herein. 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 Exhibit 1, and to the address appearing on the Assessment Roll. The Notice of Hearing advised the afore described 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 March 20, 2007, at the time and place stated therein, and all interested parties were given an opportunity to be heard;
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 project.
2. The proposed project is planned or located in a manner that will be the most compatible with the greatest public good and least private injury.
3. The property interests sought to be acquired are necessary for the proposed project.
4. An offer to purchase the property was made to the property owner of record by the Redevelopment Agency, in accordance with Government Code section 7267.2.
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 Redevelopment Agency of the City of San Diego has statutory authority to acquire the property by eminent domain.
7. The use for which any publicly owned property is to be taken is a use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future, and therefore authorized by Code of Civil Procedure section 1240.510.
8. The use for which any publicly owned property is 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 property is for a more necessary public use consistent with and authorized by Code of Civil Procedure section 1240.610.
9. 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 property 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 property in fee simple absolute unless a lesser estate is described in Exhibit 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 property for said public uses and purposes.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By 
Carol A. Leone
Deputy Counsel

CAL:cfq
02/28/07
Or.Dept:RA
RA-2007-68
MMS#3170

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of MAR 20 2007.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 3-22-07
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

EXHIBIT

All that certain real property situated in the County of San Diego, State of California, described as follows:

Lot 36, in Block 139, Mannasse and Schiller's Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 209, filed in the office of the County Recorder of San Diego County July 11, 1870.

EXHIBIT 1

Passed by the Redevelopment Agency of The City of San Diego on MAR 20 2007, by the following vote:

| Agency Members | Yeas | Nays | Not Present | Ineligible |
|-------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Scott Peters | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Toni Atkins | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Brian Maienschein | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Donna Frye | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Madaffer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 22 2007

AUTHENTICATED BY:

JERRY SANDERS

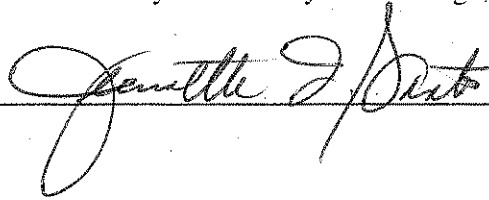
Executive Director of The City of San Diego, California.

ELIZABETH S. MALAND

Secretary of The City of San Diego, California.

(Seal)

By



, Deputy

Office of the Redevelopment Agency, San Diego, California

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