

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2923

ADOPTED ON DECEMBER 1, 1998

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR THE COMPREHENSIVE DOWNTOWN PARKING PLAN PROJECT (CODE OF CIVIL PROCEDURE SECTION 1245.330).

The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by a vote of two-thirds of its members, FIND, DETERMINES, DECLARES, AND RESOLVES that:

1. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO intends to construct the Comprehensive Downtown Parking Plan Project (the "Project"), a public use, and, in connection therewith, acquire interests in certain real property, for construction, operation and maintenance of the Project, together with related improvements 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 of Health and Safety Code section 33000 et seq. Said public use is a redevelopment function of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO.
2. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO is authorized to acquire the parcel(s) described in Appendix 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.
3. The property to be acquired consists of Assessor's Parcel No. 535-112-01 (Smith property), and Parcel Nos. 535-112-02, -03, and -05 through -11 (Franke property) and is generally located at the block bounded by Market Street, Seventh Avenue, Eighth Avenue and Island Avenue in the East Village Sub Area of the Centre City Redevelopment Project. The property to be acquired is more particularly described in Appendix 1, attached hereto and incorporated herein by reference together with a map thereof.
4. On November 4, 1998, there was mailed a Notice of Hearing on the Intent of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO to Adopt a Resolution of Necessity for acquisition by eminent domain of the real property

described in Appendix 1 herein, which Notice of Hearing is attached hereto as Appendix 2 and is incorporated herein by this reference. 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 property described in Appendix 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.

5. The hearing set out in said Notice of Hearing was held on December 1, 1998, at the time and place stated therein, and all interested parties were given an opportunity to be heard. The hearing was then closed.

Based upon the evidence presented, this REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by 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 herein 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 described herein have been complied with by the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO.
- f. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO hereby further finds and declares:

that the acquisition by condemnation action(s) of the subject parcels, located in the East Village 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) which Redevelopment Plan is incorporated herein by reference. The creation of additional parking opportunities 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 section 33000 et seq.

that the proposed acquisition and development 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 consistent with implementation of the Parking Strategy and supporting Parking and Financial Analysis considered and approved on December 2, 1997, by the City Council/Agency (Resolution No. R-289520) which is incorporated herein by reference.

that the consolidation and assemblage of parcels in the block bounded by Market Street, Seventh Avenue, Eighth Avenue and Island Avenue is necessary to facilitate the development of additional parking opportunities as found and determined in the staff report on this acquisition project, which report was approved by the Board of Directors of the Centre City Development Corporation on November 12, 1998, and is incorporated herein by reference.

that the acquisition of the subject parcels described and depicted in Appendix 1 is deemed necessary for the removal of blighting conditions and influences and for the construction, operation and maintenance of the Comprehensive Downtown Parking Plan Project within the Centre City Redevelopment Project, consistent with the uses permitted by the Adopted Centre City Community Plan, Centre City East Focus Plan, Centre City Planned District Ordinance, and Centre City Parking Ordinance (all of which are incorporated by reference) and that the proposed project is necessary to revitalize the Centre City area.

- g. The proposed use for the property to be acquired will not unreasonably interfere with or impair the continuance of any public use as it now exists or may reasonably be expected to exist in the future and the taking as to any publicly owned parcels is for a compatible public use consistent with and authorized by Code of Civil Procedure section 1240.510.
- h. 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.

6. The General Counsel of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, and/or its special legal counsel Daley & Heft, is hereby AUTHORIZED and EMPOWERED:
- a. To acquire in the name of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by condemnation, the property described in Appendix 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 Appendix 1, herein.
 - c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO such proceedings in the proper court as are necessary for such acquisition.
 - d. To deposit the probably amount of compensation, based on an appraisal, and to apply to said court for an order permitting the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO to take immediate possession and use of said property for said public uses and purposes.

APPROVED: CASEY GWINN, General Counsel

By
Douglas K. Humphreys
Deputy Counsel

DKH:lc
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Or.Dept:CCDC
Aud.Cert:See DE9800375
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