

(RA-99-136)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2991

ADOPTED ON MAY 25, 1999

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE TO THE PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF THE CITY HEIGHTS URBAN COMMERCIAL PROJECT, A PUBLIC IMPROVEMENT PROJECT, AND INCIDENTS THERETO; THAT THE INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED ON BLOCKS 4 AND 5 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY HEIGHTS REDEVELOPMENT PROJECT AREA OF THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PROJECT IS PLANNED OR LOCATED IN THE MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; THAT THE PROPERTY SOUGHT TO BE ACQUIRED IS NECESSARY FOR THE PROJECT; THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND DECLARING THAT THE OFFER TO PURCHASE THE PROPERTY REQUIRED BY GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE OWNERS OF RECORD AND REJECTED; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE FEE SIMPLE TITLE TO THE PROPERTY AND IMPROVEMENTS THEREON UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE GENERAL COUNSEL OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO COMMENCE AN EMINENT DOMAIN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN THE COUNTY OF

AND OBTAIN IMMEDIATE POSSESSION OF THE PROPERTY FOR THE USE OF THE REDEVELOPMENT AGENCY.

WHEREAS, the Redevelopment Agency of the City of San Diego has provided notice to those persons designated in California Code of Civil Procedure section 1245.235, and has provided them a reasonable opportunity to appear and be heard on the matters referred to in California Code of Civil Procedure section 1240.030; and

BE IT RESOLVED AND FINDINGS MADE, BY THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AS FOLLOWS:

Section 1. That the City Heights Urban Commercial Project, a public improvement project, will provide for the acquisition of fee simple title to all properties located on Blocks 4 and 5 of City Heights Annex No. 1, bounded by University Avenue to the north, Wightman Street to the south, Fairmount Avenue to the west, and Highland Avenue to the east, in the City Heights Project Redevelopment area of the City of San Diego, County of San Diego, State of California. This project is the final phase of the Mid City Urban Village Project, which upon its completion will represent approximately \$100 million in public and private improvements to one of the most blighted and under-served communities in San Diego. The City Heights Urban Commercial Project is designed to eliminate blight and will construct, improve, operate, and maintain the foot print for 360,000 square feet of new commercial facilities to serve the City Heights community.

A blight survey that was conducted in 1992, when the City Heights Redevelopment Plan was adopted, and again when the plan was amended in 1996, revealed that commercial facilities serving the neighborhood were lacking. The location of the City Heights Urban Commercial Project was identified in the City Heights Redevelopment Plan Amendment adopted in 1996.

Section 2. That the public interest, convenience, and necessity of the Redevelopment Agency of the City of San Diego, and the inhabitants of the City of San Diego, require the acquisition of fee simple title to the property described hereafter and the improvements thereon for the removal of blight, the revitalization of the City Heights area by bringing in commercial facilities, and the construction, operation, improvement, and maintenance of the City Heights Urban Commercial Project.

Section 3. That the City Heights Urban Commercial Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The planned retail center is of a size and location to meet the City Heights Community's needs, to attract new businesses to the community, to be easily accessible to community residents, and to tie the total City Heights Urban Village Project in with the overall neighborhood and its business corridor.

Section 4. That the property sought to be acquired is necessary for the removal of blight and the construction, operation, improvement, and maintenance of the City Heights Urban Commercial Project, and incidents thereto, including but not limited to, the removal and clearance of the existing improvements, assembly of lots, and construction of new improvements for a commercial center for residents of San Diego, consistent with the uses permitted by the City Heights Redevelopment Plan. The project site is a key component of the Mid City Urban Village.

Section 5. That the acquisitions sought herein are for a public use authorized by the following code sections: Constitution of California, Article I, section 19; California Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, and 1255.410; Community Redevelopment Law, California Health and Safety Code section 33000 et seq.; California Government Code sections 37350.5 and 40404; and San Diego City Charter section 220.

Section 6. That the interests sought to be condemned are described as follows:

Section 7. That the offer required by Government Code Section 7267.2 has been made to the owners of record of the property to be acquired and was rejected.

Section 8. That in connection with this action the Redevelopment Agency has reviewed and considered a Mitigated Negative Declaration completed by the City of San Diego as Lead Agency under the California Environmental Quality Act, and a Finding of No Significant Impact, EAS No. 96-0135 BG dated March 11, 1996, under the National Environmental Policy Act, covering this activity, approved by Resolution R-287147, dated April 2, 1996.

Section 9. That the General Counsel of the Redevelopment Agency of the City of San Diego be, and he is hereby authorized and directed to commence an eminent domain action in the Superior Court of the State of California, the County of San Diego, in the name and on behalf of the Redevelopment Agency of the City of San Diego, against all owners and claimants to an interest in the above-described property, to condemn, acquire, and obtain fee simple title to and immediate possession of the property and improvements thereon for the use of the Redevelopment Agency of the City of San Diego.

APPROVED: CASEY GWINN, General Counsel

By

Leslie FitzGerald,
Deputy Counsel

LAF:ccm:Civ

5/10/99

Or.Dept:Redev. Agency

Aud.Cert:9901127

RA-99-136

Form=acqredv.res