

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03003

ADOPTED ON JUNE 8, 1999

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR TWO OWNERSHIP PARCELS IN THE MARINA SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, by a vote of not less than two-thirds of its members, FINDS, DETERMINES, DECLARES, AND RESOLVES that:

1. The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO intends to cause the construction of 109 for-sale condominiums pursuant to a Disposition and Development Agreement with The Olson Company, (the "Project"), 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 sections 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 to 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 *inter alia*, to sections 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 Nos. 535-055-02 and 03 (Lawrence M. Cushman and Stephen P. Cushman), and 535-055-01 (Bessie R. Towner and Earl H. Robinson, Trustees), and is generally located on the block bounded by Market Street, "G" Street, State Street and Union Street in the Marina Sub Area of the Centre City Redevelopment Project. The property to be acquired is more particularly described in Appendix 1, together with a map thereof, attached hereto and incorporated herein by reference.

4. On April 19, 1999, 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. 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 May 4, 1999, 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.
- 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 Marina Sub Area of the Centre City Redevelopment Project, is in conformity with the previously adopted Redevelopment Plans (the Marina Redevelopment Plan adopted on December 29, 1976, and the Centre City Redevelopment Plan (which compiled and continued the Marina Redevelopment Plan) adopted on May 11, 1992; amended

December 27, 1994; amended April 8, 1995), and the Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and Related Documents certified by the Redevelopment Agency and the City Council on April 28, 1992, and the Environmental Secondary Study for The Olson Marina Housing Project dated December 4, 1998; the Centre City Redevelopment Plan, the Master Environmental Impact Report and the Environmental Secondary Study are incorporated herein by reference. The creation of additional residential 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 sections 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 the Marina Planned District Ordinance (adopted on August 1, 1988 as Ordinance No. O-17123, as amended and adopted on September 14, 1992 as Ordinance No. O-17830, July 25, 1994 as Ordinance No. O-18088, January 9, 1995 as Ordinance No. O-18148, and May 1, 1995 as Ordinance No. O-18174), which Centre City Community Plan and Marina Planned District Ordinance are incorporated herein by reference.

that the consolidation and assemblage of parcels on the block bounded by Market Street, "G" Street, State Street and Union Street is necessary to facilitate the development of additional residential 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 April 23, 1999, 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 Marina Sub Area within the Centre City Redevelopment Project, consistent with the uses permitted by the Adopted Centre City Community Plan and Marina Planned District Ordinance, as amended (all of which are incorporated by reference) and that the proposed project is necessary to revitalize the Centre City area.

The Redevelopment Agency of The City of San Diego further finds, determines, declares and resolves:

- 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 Linda Bartz + Associates, 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 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 cause the deposit of the probable 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
04/09/99

Or.Dept:CCDC

Aud.Cert:See 9901094 & 9901095

RA-99-118
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CUSHMAN & TOWNER
RESOLUTION OF NECESSITY

APPENDIX 1

APPENDIX 1

LEGAL DESCRIPTION
APN NO. 535-055-02 & 03

LAWRENCE M. CUSHMAN, A SINGLE MAN AS HIS SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED INTEREST AND STEPHEN P. CUSHMAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED INTEREST IN AND TO PARCEL A AND LAWRENCE M. CUSHMAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AS TO A 50% UNDIVIDED INTEREST AND STEPHEN P. CUSHMAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, AS TO A 50% UNDIVIDED INTEREST IN AND TO PARCEL B.

PARCEL A:

LOTS "C" TO "I", IN BLOCK 27 OF NEW SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 456, MADE BY GRAY AND JOHNS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

PARCEL B:

LOTS "J", "K", AND "L", IN BLOCK 27 OF NEW SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 456, MADE BY GRAY AND JOHNS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

LEGAL DESCRIPTION
APN NO. 535-055-01

EARL H. ROBINSON AND BESSIE R. TOWNER, TRUSTEES UNDER DECLARATION OF TRUST DATED DECEMBER 20, 1974.

LOTS "A" AND "B" IN BLOCK 27 OF NEW SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY GRAY AND JOHNS, ON FILE IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY.