

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 885

ADOPTED ON OCTOBER 25, 1983

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE MARINA REDEVELOPMENT PROJECT IN A PORTION OF ISLAND AVENUE ADJACENT TO LOTS "A" AND "L" OF BLOCK 115 OF HORTON'S ADDITION IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO THE PROPERTY FOR THE MARINA REDEVELOPMENT PROJECT; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE THE PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE GENERAL COUNSEL OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO COMMENCE AN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO FOR THE PURPOSE OF CONDEMNING AND ACQUIRING THE PROPERTY.

WHEREAS, the Redevelopment Agency of The City of San Diego has, in order to comply with Section 1245.235 Code of Civil Procedure, caused a diligent search to be made to ascertain the names of persons who might be affected by this proposed condemnation; and

WHEREAS, said search failed to disclose any remaining heirs of the one

time owner; and

WHEREAS, Section 1245.235 requires notice to those persons whose property is to be acquired by eminent domain if their names and addresses appear on the last equalized county assessment roll; and

WHEREAS, there are no names listed on the last equalized county assessment roll; and

WHEREAS, as no written notice was provided, a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030 Code of Civil Procedure was afforded to those present at the hearing of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, as follows:

Section 1. That the public interest, convenience and necessity of the Redevelopment Agency of The City of San Diego, and the inhabitants thereof, require the removal of blight and the construction, operation and maintenance of the Marina Redevelopment Project in a portion of Island Avenue adjacent to Lots "A" and "L" of Block 115 of Horton's Addition, as subsequently described.

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, demand the acquisition and taking of fee title to the property for the removal of blight and the construction, operation and maintenance of the Marina Redevelopment Project, the real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410, Code of Civil Procedure; and Section 33000 et seq., Health and Safety Code, permit this acquisition.

Section 4. That the parcel of real property sought to be condemned is described as follows:

Parcel 1

All that portion of the south one-half of Island Avenue (formerly "I" Street) which lies northerly of and adjacent to Lots "A" and "L" in Block 115 of Horton's Addition according to the map filed by L.L. Lockling in Book 13, Page 522 of Deeds.

Section 5. That the taking and acquiring by the Redevelopment Agency of

The City of San Diego of the real property above-described are deemed necessary for the removal of blight and the construction, operation and maintenance of the Marina Redevelopment Project by the Redevelopment Agency of The City of San Diego and the inhabitants of the City of San Diego, for municipal purposes; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1255.410, and 1240.610, Code of Civil Procedure; and Section 33000 et seq., Health and Safety Code); that for such public use it is necessary that the Redevelopment Agency of The City of San Diego condemn and acquire the real property; that the real property is to be used for the removal of blight and the construction, operation and maintenance of the Marina Redevelopment Project which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. That the General Counsel of the Redevelopment Agency of The City of San Diego be authorized and directed to commence an action in the Superior Court of the State of California, in and for 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 real property, for the purposes of condemning and acquiring the fee interest for the use of the Redevelopment Agency of The City of San Diego.

APPROVED: John W. Witt, General Counsel

By Alejandro Matuk Deputy Counsel

AM:ta:613.4

10/19/83

REV. 10/21/83

Or.Dept:CCDC

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