

(RA-86-44)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 1184

ADOPTED ON SEPTEMBER 10, 1985

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 THE EAST HALF OF LOTS "G" AND "H" IN BLOCK 26 OF NEW SAN DIEGO 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 SAID PROPERTY FOR SAID MARINA REDEVELOPMENT PROJECT; AND THAT AN OFFER TO ACQUIRE THE PROPERTY AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; AND

DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE SAID 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 SAID PROPERTY.

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

WHEREAS, the Redevelopment Agency of the City of San Diego desires to acquire the property hereinafter described for the elimination of blight and for the construction, operation and maintenance of the Marina Redevelopment Project in the east half of Lots "G" and "H" in Block 26 of New San Diego as more particularly described hereinafter; and

WHEREAS, the Redevelopment Agency of the City of San Diego

has the power of eminent domain pursuant to, inter alia, Sections 1240.010, 1240.110, 1240.120 and 1255.410 of the California Code of Civil Procedure, and California Health & Safety Code Section 33391(b); and

WHEREAS, it is in the public interest and necessity to acquire the subject real property as hereinafter described for the purpose of the removal of blighting influences and the construction, operation and maintenance of the Marina Redevelopment Project;

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 the east half of Lots "G" and "H" in Block 26 of New San Diego as more particularly described in Section 4 hereof.

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 said property for the removal of blight and the construction, operation and maintenance

of the Marina Redevelopment Project, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Sections 1240.010, 1240.110, 1240.120 and 1255.410 of the California Code of Civil Procedure and Section 33391(b) of the California Health & Safety Code, inter alia, permit the acquisition referenced herein.

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

The east half of Lots "G" and "H" in Block 26 of New San Diego, in the City of San Diego, County of San Diego, State of California, according to Map on file in the Office of County Recorder of San Diego County, together with the West half of Front Street adjacent to said Lots "G" and "H" on the East.

Section 5. That the taking and acquiring by said Redevelopment Agency of the City of San Diego of the real property hereinbefore described are deemed necessary for the removal of blight and the construction, operation and maintenance of the Marina Redevelopment Project, including but not limited to, the removal and clearance of the existing improvements thereon, assembly of lots and construction of new improvements,

consistent with the uses permitted by the Marina Redevelopment Plan presently anticipated to be approximately 180 residential units and 14,560 sq. ft. of commercial/retail uses and the inhabitants of the City of San Diego for municipal purposes; that such use is a public use authorized by law (inter alia, Sections 1240.010, 1240.110, 1240.120 and 1255.410 of the California Code of Civil Procedure; and Section 33391(b) of the California Health & Safety Code); that for such public use it is necessary for the Redevelopment Agency of the City of San Diego to condemn and acquire said real property.

Section 6. That said 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 7. That an offer to acquire the property at the appraised fair market value required by Government Code Section 7267.2 has been made to the owners of record of the property.

Section 8. That the General Counsel of the Redevelopment Agency of the City of San Diego be, and hereby is 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 purpose of condemning and  
acquiring the certain real property and existing improvements as  
hereinbefore described in fee simple, for the use of said  
Redevelopment Agency of the City of San Diego.

APPROVED: John W. Witt, General Counsel

By

Susan Hinz

Deputy Counsel

SH:jkp:Lit.

9/6/85

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Or.Dept:CCDC