

(RA-89-36)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 1663
ADOPTED ON OCTOBER 11, 1988

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 APPROXIMATELY THE EASTERLY 56.22 FEET OF THAT PORTION OF FRONT STREET NOW CLOSED TO PUBLIC USE LYING BETWEEN THE SOUTHERLY LINE OF ISLAND AVENUE AND NORTHEASTERLY LINE OF THE RIGHT OF WAY OF SAN DIEGO AND ARIZONA EASTERN RAILROAD COMPANY; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO SAID PROPERTY FOR SAID MARINA REDEVELOPMENT PROJECT; AND THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AND DECLARING THAT THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO IS TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND THAT TAKING AND ACQUIRING SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; AND THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND THAT AN OFFER TO ACQUIRE SAID PROPERTY INTERESTS AT THE APPRAISED MARKET VALUE HAS BEEN MADE TO THE RECORD OWNER(S) OF THE SUBJECT PROPERTY AND THEREAFTER REJECTED; 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;

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 approximately the easterly 56.22 feet of that portion of Front Street now closed to public use lying between the southerly line of Island Avenue and the northeasterly line of the right of way of San Diego and Arizona Eastern Railroad Company; as more particularly described hereinafter.

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 title in fee simple absolute 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 said property interests are to be used for the realignment of Front and First Avenue and for park and open space for residents of San Diego and is planned in a manner that is most compatible with the greatest public good and least private injury since the subject projects are planned according to the adopted Centre City Community Plan calling for the removal of blight and revitalization of the Centre City area by creation of an improved street circulation system and park and open space.

Section 4. That for construction, operation and maintenance of the Marina Redevelopment Project, it is necessary that the Redevelopment Agency of the City of San Diego acquire full property interests under eminent domain proceedings.

Section 5. That the taking and acquiring full property interests of the real property hereinafter described, under eminent domain proceedings, by said Redevelopment Agency of the City of San Diego, are deemed necessary 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 6. That the Constitution of California, Article I, section 19; the Charter of the City of San Diego, Article XIV, section 220; the California Code of Civil Procedure sections 1240.110, 1240.120 and 1255.410; and the California Health and Safety Code sections 33000, et seq., authorize the acquisition by eminent domain referenced herein.

Section 7. That the parcels of real property sought to be condemned are described as follows:

Parcel 2 (Graybar):

The easterly 56.22 feet of that portion of Front Street, now closed to public use, as shown on map of Horton's Addition, in the City of San Diego, County of San Diego, State of California according to map thereof by L. L. Lockling on file in the Office of the County Recorder of San Diego County, lying between the southerly line of Island Avenue and the northeasterly line of the right of way of San Diego and Arizona Eastern Railway Company, which by operation of law reverted to the property described as Lots A, B, C, D, E, J, K and L, Block A of Horton's Addition.

Excepting therefrom that area lying easterly of a line concave westerly with a radius of 475' and an arc length of 129.14'; said line beginning at a point on the southerly line of Island Avenue lying 7.01' westerly of the northwest corner of Lot A, Block A, Horton's Addition, and terminating at a point on the northeasterly line of the Southern Pacific Railroad Right-of-Way 29.32' northwesterly along said line from the southwest corner of Lot C, Block A, Horton's Addition.

Section 8. That an offer to acquire said property based upon an appraisal report prepared by an appraiser authorized to make such an appraisal report was made pursuant to Government Code Section 7267.2 to the record owners of each of the hereinabove subject record owner(s) and thereafter rejected by operation of law.

Section 9. 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 fee interests 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:dr:Lit.

10/3/88

Or.Dept:Redev.

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