

(RA-89-58)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 1678
ADOPTED ON DECEMBER 13, 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 LOTS A, B, C, I, J, K AND L IN BLOCK 21, AND LOTS A, B, C, D, H, I AND J OF BLOCK 22, OF NEW SAN DIEGO; 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 Lots A, B, C, I, J, K and L in Block 21 and Lots A, B, C, D, H, I and J of Block 22 of New San Diego; 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 Harbor Drive and Market Street 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:

LEGAL DESCRIPTION: BLOCK 21: (TOTAL TAKE)

LOTS A, B, C, I, J, K, AND L IN BLOCK 21 OF NEW SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 456, MADE BY GARY AND JOHNS AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE MEAN HIGH TIDE LINE AS ESTABLISHED BY DECREE IN SUPERIOR COURT CASE NO. 35473 ENTITLED CITY OF SAN DIEGO VS ARROW PACKING COMPANY ET AL, A CERTIFIED COPY OF SAID DECREE RECORDED MARCH 10, 1925 AS DOCUMENT NO. 11693 IN BOOK 1084 PAGE 1 OF DEEDS IN THE OFFICE OF SAID RECORDER WITH THE WESTERLY BOUNDARY LINE OF SAID BLOCK 21; THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY OF SAID BLOCK 21 NORTH 0-30-16 EAST 102.92 FEET TO THE NORTHWESTERLY CORNER OF SAID BLOCK 21; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID BLOCK 21 SOUTH 89-27-10 EAST 199.96 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 21; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY OF SAID BLOCK 21 SOUTH 0-32-01 WEST 169.32 FEET TO THE AFORESAID NORTHEASTERLY MEAN HIGH TIDE LINE; THENCE NORTHWESTERLY ALONG SAID LINE NORTH 70-04-04 WEST 29.90 FEET; THENCE NORTH 71-59-32 WEST 100.43 FEET; THENCE NORTH 70-19-05 WEST 80.35 FEET TO THE TRUE POINT OF BEGINNING.

BLOCK 22: (PARTIAL TAKE)

(SHOWN AS PARCEL BLOCK 22-1 ON ATTACHED MAP) THOSE PORTIONS OF LOTS A, B, C, D, H, I AND J OF BLOCK 22 OF NEW SAN DIEGO ACCORDING TO THE MAP THEREOF NO. 456 MADE BY GRAY AND JOHNS AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 10, 1909, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE MEAN HIGH TIDE LINE AS ESTABLISHED BY DECREE IN SUPERIOR COURT CASE NO. 35473 ENTITLED CITY OF SAN DIEGO VS ARROW PACKING COMPANY ET AL, A CERTIFIED COPY OF SAID DECREE RECORDED MARCH 10, 1925 AS DOCUMENT NO. 11593 IN BOOK 1084 PAGE 1 OF DEEDS IN THE OFFICE OF SAID SAN DIEGO COUNTY RECORDER WITH THE WESTERLY LINE OF SAID BLOCK 22; THENCE ALONG SAID WESTERLY LINE NORTH 00°32'01" EAST 183.64 FEET TO A POINT ON THE ARC OF A NON-TANGENT 1960.08 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A LINE RADIAL TO SAID CURVE THROUGH SAID POINT BEARS SOUTH 43°27'13" WEST, SAID POINT BEING ALSO THE SOUTHWESTERLY LINE OF THE 100.00 FOOT RIGHT-OF-WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD PER EASEMENT FROM THE SAN DIEGO LAND AND TOWN COMPANY RECORDED MARCH 11, 1882 IN BOOK 42 AT PAGE 179 OF DEEDS FILED IN THE OFFICE OF SAID SAN DIEGO COUNTY RECORDER; THENCE LEAVING SAID WESTERLY LINE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°32'53" A DISTANCE OF 258.22 FEET TO A POINT ON THE EASTERLY LINE OF SAID BLOCK 22; THENCE LEAVING SAID SOUTHWESTERLY LINE AND ALONG SAID EASTERLY LINE SOUTH 00°32'34" WEST 72.76 FEET TO A POINT ON SAID MEAN HIGH TIDE LINE; THENCE ALONG SAID MEAN HIGH TIDE LINE NORTH 77°29'01" WEST 15.04 FEET; THENCE NORTH 77°48'25" WEST 87.14 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT H; THENCE ALONG SAID WESTERLY LINE NORTH 00°32'11" EAST 26.61 FEET TO THE COMMON CORNER OF SAID LOTS D, H, I AND LOT E OF SAID BLOCK 22; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT D NORTH 89°26'29" WEST 86.22 FEET TO A POINT ON AFORESAID MEAN HIGH TIDE LINE; THENCE LEAVING SAID SOUTHERLY LINE AND ALONG SAID MEAN HIGH TIDE LINE NORTH 70°56'34" WEST 14.59 FEET TO THE POINT OF BEGINNING.

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.

12/12/88

RA-89-58

Or.Dept:Redev.

Aud.Cert: