

(RA-89-98)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 1716
ADOPTED ON MARCH 20, 1989

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 COLUMBIA REDEVELOPMENT PROJECT IN THAT PORTION OF THAT CERTAIN TRACT OF LAND COMMONLY KNOWN AS THE SUMMERS TRACT (SAID PORTION BEING PART OF KETTNER BOULEVARD) AS SHOWN ON THE MAP OF MIDDLETOWN ACCORDING TO PARTITION MAP THEREOF MADE BY J. E. JACKSON; THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO SAID PROPERTY FOR SAID COLUMBIA REDEVELOPMENT PROJECT; THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; IT IS THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; TAKING AND ACQUIRING SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; THE ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; 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. 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 Columbia Redevelopment Project in that portion of that certain tract of land commonly known as the Summers Tract (said portion being part of Kettner Boulevard) as shown on the map of Middletown according to Partition Map thereof made by J. E. Jackson, as more particularly described hereinafter.

Section 2. 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 title of fee simple absolute to said property for the removal of blight and the construction, operation and maintenance of the Columbia Redevelopment Project, said real property lying within The City of San Diego, County of San Diego, State of California.

Section 3. These said public uses are presently anticipated to be used for new office and hotel opportunities for residents of San Diego and are planned in a manner that will be most compatible with the greatest public good and least private injury, and that said public uses are planned according to the adopted Centre City Community Plan calling for the removal of blight and revitalization of the Centre City area by bringing in office and hotel uses.

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

Section 5. Taking and acquiring full property interests to the real property hereinafter described, under eminent domain proceedings, by the Redevelopment Agency of The City of San Diego, are deemed necessary for the removal of blight and the construction, operation and maintenance of the Columbia 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 Columbia Redevelopment Project, said real

property lying within the City of San Diego, County of San Diego, State of California.

Section 6. 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 1240.101, 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 parcel of real property sought to be condemned is described as follows:

Parcel 2 (J. E. Summers Property)

THAT PORTION OF THAT CERTAIN TRACT OF LAND COMMONLY KNOWN AS THE SUMMERS TRACT (SAID PORTION BEING PART OF KETTNER BOULEVARD) AS SHOWN ON THE MAP OF MIDDLETOWN, ACCORDING TO PARTITION MAP THEREOF MADE BY J. E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 400 FEET NORTH OF THE NORTHWEST CORNER OF BLOCK 51, ACCORDING TO THE MAP OF NEW SAN DIEGO MADE BY L. B. GRAY AND F. D. JOHNS IN 1850; THENCE RUNNING NORTH 275 FEET; THENCE EAST 250.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING DUE EAST 24.05 FEET TO A POINT IN THE EAST LINE OF THE LAND DESCRIBED IN DEED TO JOHN E. SUMMERS, RECORDED IN BOOK B, PAGE 104 OF DEEDS: THENCE DUE SOUTH ALONG THE EAST LINE OF SAID SUMMERS LAND, 275 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE DUE WEST 24.05 FEET; THENCE DUE NORTH 275 FEET TO THE TRUE POINT OF BEGINNING.

Section 8. An offer to acquire said property interests based upon an appraisal report prepared by an appraiser authorized to make such an appraisal report was made pursuant to California Government Code section 7267.2 to the record owner of the hereinabove described real property and thereafter rejected by operation of law.

Section 9. 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 the fee interests as above described, for the use of said Redevelopment Agency of The City of San Diego.

APPROVED: John W. Witt, General Counsel

By

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03/16/89
Or.Dept:Redev.
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