

(RA-90-65)  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NO. 1852  
ADOPTED ON APRIL 3, 1990

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 EASEMENTS OVER LOTS C, D, E AND F IN BLOCK 52 IN 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 EASEMENTS IN THE HEREINAFTER DESCRIBED PROPERTY FOR SAID 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 THAT THE PROPOSED USE WILL NOT UNREASONABLY INTERFERE WITH OR IMPAIR THE CONTINUANCE OF THE PUBLIC USE AS IT EXISTS OR MAY REASONABLY BE EXPECTED TO EXIST IN THE FUTURE AND/OR THAT THE USE FOR WHICH THE PROPERTY IS SOUGHT TO BE TAKEN IS A MORE NECESSARY PUBLIC USE THAN THE USE TO WHICH THE PROPERTY IS APPROPRIATED; AND DECLARING THAT AN OFFER TO ACQUIRE SAID PROPERTY INTERESTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE SUBJECT PROPERTY AND THEREAFTER REJECTED; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; AND THAT TAKING AND ACQUIRING SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; AND THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; 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 EASEMENTS.

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; and

WHEREAS, the Redevelopment Agency of the City of San Diego desires to acquire two (2) easements hereinafter described for the elimination of blight and for the construction, operation and maintenance of the Columbia Redevelopment Project; 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 and Safety Code Section 33000 et seq.; and

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

WHEREAS, the proposed use will not unreasonably interfere with or impair the continuance of the public use as it exists on the subject property or may reasonably be expected to exist in the future and/or the use for which the property is sought to be taken is a more necessary public use than the use to which the property is currently appropriated. (California Civil Code sections 1240.510; 1240.610, 1240.650, and 1240.680(a)(1).)

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 Columbia Redevelopment Project as more particularly described in Section 8.

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 two (2) easements as hereinafter described for the removal of blight and the construction, operation and maintenance of the Columbia Redevelopment Project; said property lying within the City of San Diego, County of San Diego, State of California, as more particularly described in Section 7.

Section 3. That the proposed use will not unreasonably interfere with or impair the continuance of the public use as it exists or may reasonably be expected to exist in the future and/or the use for which the property sought to be taken is a more necessary public use than the use to which the property is currently appropriated. (California Civil Code sections 1240.510, 1240.610, 1240.650, and 1240.680(a)(1).)

Section 4. It is necessary that the Redevelopment Agency of the City of San Diego acquire said property interests under eminent domain proceedings for the 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, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 6. That sections 1240.010, 1240.110, 1240.120 and 1255.410 of the California Code of Civil Procedure and section 33000, et seq. of the California Health and Safety Code, inter alia, authorize the acquisition by eminent domain referenced herein.

Section 7. The interests sought to be condemned are described as follows:

**LEGAL DESCRIPTION**

Portions of Lots C, D, E and F in Block 52 in New San Diego according to Map thereof by Gray and Johns filed in the office of the County Recorder of San Diego County.

Parcel 1 - Surface Easement:

An access easement and right-of-way on, throughout and wholly contained within an air space on portions of Lots "C" and "D" in Block 52 of New San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 456, filed in the Office of the County Recorder of San Diego County, said easement being 15.00 feet high vertically above the floor of said land

described as follows:

Beginning at a point on the east line of said Lot "C" distant thereon south 0 31'12" west 43.00 feet from the northeast corner of said Lot "C" at an elevation of 17.0 feet, said point also being on the west line of Parcel 1 of Parcel Map No. 15111, filed in the Office of the County Recorder of San Diego County, January 20, 1988; thence south 0 31'12" west along the east lines of said Lots "C" and "D" a distance of 15.00 feet to a point at an elevation of 17.0 feet; thence leaving said east line north 89 26'02" west, 100.03 feet to a point on the west line of said lot "D" at an elevation of 16.0 feet distant thereon south 0 30'16" west, 58.00 feet from the northwest corner of said Lot "C", thence north 0 30'16" east along said west line of Lot "D" to and along the west line of said Lot "C", being also the east line of Kettner Boulevard a distance of 15.00 feet to a point at an elevation of 16.0 feet; thence leaving said west line of Lot "C" south 89 26'02" east 100.04 feet to the point of beginning.

All of the hereinabove mentioned elevations are on mean sea level datum.

Said Easement shall be together with any and all incidents and appurtenances thereto, over, under, along and across the access easement as described to install, construct, maintain, repair, operate and use a pedestrian and vehicular access roadway and right of way for ingress and egress, including the right to clear and keep clear the access easement and all air space over such access easement situated within fifteen (15) feet above grade from buildings, structures, equipment (including, but not limited to, utility lines and cables), construction, and other materials or growths which interfere with the use of the access easement.

**Parcel 2 - Light and Air Easement:**

An exclusive easement for light and air on, throughout and wholly contained within an air space on Lots "C", "D", "E" and "F" in Block 52 of New San Diego, in the City of San Diego,

County of San Diego, State of California, according to Map thereof No. 456, filed in the Office of the County Recorder of San Diego County, said easement being 62.00 feet high vertically above the floor of said land described as follows:

Beginning at the northeast corner of said Lot "C" in Block 52 at elevation of 17.0 feet, said corner also being the northwest corner of Parcel 1 of Parcel Map No. 15111, filed in the Office of the County Recorder of San Diego County, January 20, 1988; thence south 0 31'12" west along the east line of said lots "C", "D", "E" and "F" a distance of 200.43 feet (record equals 200.00 feet) to the southeast corner of said Lot "F" at an elevation of 15.0 feet; thence north 89 26'48" west along the south line of said Lot "F" a distance of 99.99 feet (record equals 100.00 feet) to the southwest corner of said lot "F" at an elevation of 14.5 feet, said southwest corner also being a point on the east line of Kettner Boulevard; thence north 0 30'16" east along the west lines of Lots "F", "E", "D" and "C" and said east line of Kettner Boulevard a distance of 200.46 feet to the northwest corner of said Lot "C" at an elevation of 16.6 feet; thence south 89 26'02" east along the north line of said Lot "C" a distance of 100.05 feet (record equals 100.00 feet) to the point of beginning.

All of the hereinabove mentioned elevations are on mean sea level datum.

Said easement shall be together with the continuing right and easement to take any action necessary to keep the light and air easement forever free and clear from, and to prevent the erection of, all buildings, structures, utility and mechanical equipment (including, but not limited to, utility lines and cables), smoke, pollutants and other airborne materials and any other obstruction, interference or encroachment of any kind or nature except to the extent such obstructions exist within the easement area as of the date of this Resolution together with the right of

ingress and egress and passage over, under, upon, and across said light and air easement for such purposes.

Section 8. 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 Columbia Redevelopment Project for uses including but not limited to, new office, commercial, hotel and residential opportunities for residents of San Diego; to increase traffic efficiency and minimize pedestrian-traffic conflicts by eliminating inadequate right of way and create an improved traffic and street circulation system and prevent environmental deficiencies by maintaining an open space to accommodate off-site vistas of San Diego Bay and major points of interest and special relationship of open space areas to building structures to provide adequate light, sun, air and privacy for the residents of San Diego consistent with the uses permitted by the Columbia Redevelopment Project. Said easements are necessary to remove blight and revitalize the Centre City area by creation of an improved street circulation system and open space which improve the living and working environment for the use and enjoyment of all San Diegans and upgrade the quality of life in downtown San Diego thereby bringing in office, commercial, hotel and residential uses; and that such uses are public uses authorized by law (inter alia, Sections 1240.010, 1240.110, 1240.120 and 1255.410 of the California Code of Civil Procedure; and sections 33000, et seq. of the California Health and 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 easements in the subject real property.

Section 9. That said easements in the subject real property are to be used for the aforementioned right of way, access and street purposes and for the aforementioned open space and scenic vista purposes for residents of San Diego thereby bringing in office, commercial, hotel and residential uses and for the removal of blight and the construction, operation and maintenance of the Columbia Redevelopment Project which uses are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 10. That an offer to acquire said property interests based upon the appraised fair market value required by Government Code Section 7267.2 has been made to the owners of record of the subject property and thereafter rejected by operation of law.

Section 11. 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 hereinbefore described real property, for the purpose of condemning said property interests as hereinbefore described for the use of said Redevelopment Agency of the City of San Diego.

APPROVED: John W. Witt, General Counsel

By

LINDA BARTZ KINSEY

Deputy Counsel

LBK:hk:Lit

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Or.Dept:Redev.

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