

(RA-90-98)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 1855
ADOPTED ON APRIL 17, 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 MARINA REDEVELOPMENT PROJECT IN LOT "G", BLOCK 116, OF HORTON'S ADDITION 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 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 AN OFFER TO ACQUIRE THE PROPERTY 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 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 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 Lot G, Block 116 of Horton's Addition, 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 and Safety Code Section 33000 et seq.; 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 Lot G, Block 116 of Horton's Addition, 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 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 the Constitution of California, Article I, Section 19; and 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 4. That the parcels of real property sought to be condemned are described as follows:

Lot "G", Block 116, Horton's Addition, 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.

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 new cultural
opportunities for residents of San Diego, consistent with the
uses permitted by the adopted Centre City Community Plan; that
the proposed project is necessary to remove blight and revitalize
the Centre City area; 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 real property.

Section 6. That said real property is to be used for new
cultural opportunities for residents of San Diego and for the
removal of blight and the construction, operation and maintenance
of the Marina Redevelopment Agency, which uses are 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 said property based upon
an appraisal report prepared by an appraiser authorized to make
such an appraisal report required by Government Code Section
7267.2 has been made to the owner(s) of record of the property
and thereafter rejected by operation of law.

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 Bowmaster
Deputy Counsel

SHB:dr:Lit
04/16/90
Or.Dept:Redev.
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