

(RA-93-26)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 2140
ADOPTED ON SEPTEMBER 15, 1992

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO FINDING AND DETERMINING
THE PUBLIC INTEREST AND NECESSITY FOR
ACQUIRING AND AUTHORIZING THE CONDEMNATION OF
CERTAIN REAL PROPERTY WITHIN THE BARRIO LOGAN
REDEVELOPMENT PROJECT AREA.

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, (the "Agency") by vote of not less than two-thirds of its members, as follows:

1. That the acquisition of the hereinafter described real property, or interest in real property, is for the following public use: the elimination of blight and for redevelopment purposes in connection with and located in the Barrio Logan Redevelopment Project Area (hereinafter "Redevelopment Project"). The Redevelopment Plan for the Barrio Logan Redevelopment Project (the "Redevelopment Plan") was adopted by the Council of The City of San Diego on May 20, 1991 by Ordinance No. O-17644, and a description of the land within the Project Area is set forth therein. The Redevelopment Plan is incorporated herein by this reference and made a part hereof as though fully set forth herein. The Agency is authorized to acquire the hereinafter described real property, or interest in real property, pursuant to the Community Redevelopment Law of the State of California (Part 1 of Division 24, Health and Safety Code), including, but without limitation, Health and Safety Code section 33391(b).

2. That on the basis of the information contained in that certain Report No. 93.08-RA to the Chair and Members of the Agency dated September 10, 1992, which is incorporated herein by this reference, and all other evidence and testimony presented to the Agency, the Agency declares, finds and determines:

- (a) That the public interest and necessity require the proposed project.

- (b) That the project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
- (c) That the hereinafter described real property, or interest in real property, is necessary for the project.
- (d) That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

3. That the Agency is hereby authorized and empowered to acquire by condemnation the fee title to the hereinafter described real property, unless a lesser estate is expressly described, excepting and reserving to the owner thereof all oil, gas and mineral substances, together with the right to explore for and extract such substances, provided that the surface opening of any well, hole, shaft, or other means of exploring for, reaching or extracting such substances shall not be located within the aforementioned Redevelopment Project and shall not penetrate any part or portion of the Project Area within 500 feet of the surface thereof. The real property to be acquired, or interest in real property, is generally located and described in Exhibit "A" attached hereto and incorporated herein by this reference.

4. That the law firm of Kane, Ballmer & Berkman, Agency Special Counsel, is hereby authorized to prepare and prosecute in the name of the Agency, such proceeding or proceedings in the proper court having jurisdiction thereof, as are necessary for such acquisition; and to prepare and file all pleadings, documents, briefs, and other instruments and to make such arguments and to take such actions as may be necessary in their opinion to acquire the real property. The Agency Special Counsel is specifically authorized to take whatever steps and/or procedures are available to it under the Eminent Domain Law of the State of California (Code of Civil Procedure, Title 7, Chapters 1-12, Sections 1230.010-1273.050).

APPROVED: JOHN W. WITT, General Counsel

By

Allisyn L. Thomas

Deputy Counsel

ALT:pev

09/10/92

Or.Dept:Mgr.

RA-93-26

Form=ra.t