

(RA-94-115)  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NO. 2384  
ADOPTED ON MAY 17, 1994

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 CENTRE CITY REDEVELOPMENT PROJECT IN LOTS 6 AND 7 IN BLOCK 35 OF MIDDLETOWN, 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 PROPERTIES FOR SAID CENTRE CITY 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 PROPERTIES AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE SUBJECT PROPERTIES AND THEREAFTER REJECTED; AND DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTIES UNDER EMINENT DOMAIN PROCEEDINGS; AND THAT TAKING AND ACQUIRING SAID PROPERTIES 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 PROPERTIES.

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 properties hereinafter described for the elimination of blight and for the construction, operation and maintenance of the Centre City Redevelopment Project in Lots 6 and 7 in Block 35 of Middletown, in the City of San Diego, County of San Diego, State of California, 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 properties as hereinafter described for the purpose of the removal of blighting influences and the construction, operation and maintenance of the Centre City Redevelopment Project including providing your much needed public parks in the Cortez and Little Italy Redevelopment Districts.

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 Centre City Redevelopment Project in Lots 6 and 7 in Block 35 of Middletown, in the City of San Diego, County of San Diego, State of California, 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 properties for the removal of blight and the construction, operation and maintenance of the Centre City Redevelopment Project; said real properties 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:

LEGAL DESCRIPTION

LOTS 6 AND 7 IN BLOCK 35 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTICIPATION MAP THEREOF MADE BY J.E. JACKSON, ON FILE IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY; AND, PARCEL A:

THAT PORTION OF LOTS 1, 2, 3, 8, 9, 10 AND 11 OF GILMORE'S SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, OF FRACTIONAL BLOCK 221 OF HORTON'S ADDITION AND FRACTIONAL BLOCK "E" OF MIDDLETOWN, AS SHOWN ON MAP THEREOF NO. 247 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 1886, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 7 IN SAID GILMORE'S SUBDIVISION, DISTANT SOUTH 89: 50' 30" EAST, 8.00 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT 7; THENCE NORTH 00: 05' 00" EAST, 55.04 FEET; THENCE NORTH 48: 19' 18" WEST 20.60 FEET THENCE NORTH 21: 38' 58" WEST, 34.01 FEET; THENCE NORTH 30: 48' 05" WEST, 116.89 FEET; THENCE NORTH 35: 30' 03" WEST, 123.16 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 1 IN SAID GILMORE'S SUBDIVISION, DISTANT ALONG SAID NORTHERLY LINE, SOUTH 89: 51' 00" EAST, 48.98 FEET FROM THE NORTHWESTERLY CORNER OF LAST SAID LOT; AND

PARCEL B:

THAT PORTION OF ELM STREET AND UNION STREET, AS SHOWN ON SAID MAP NO. 247, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE - 1- ALONG THE NORTHERLY LINE OF SAID LOT, SOUTH 89: 51' 00" EAST 48.98 FEET; THENCE -2- NORTH 20: 40' 01" WEST 42.79 FEET; THENCE -3- SOUTH 63: 29' 06" WEST 87.05 FEET; THENCE - 4- FROM A TANGENT THAT BEARS SOUTH 88: 38' 22" EAST ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 45.00 FEET THROUGH AN ANGLE OF 88: 44' 52" A DISTANCE OF 69.70 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE -5- NORTH 00: 06' 35" EAST 44.12 FEET ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING.

Section 5. That the taking and acquiring by said Redevelopment Agency of the City of San Diego of the real properties hereinbefore described are deemed necessary for the removal of blight and the construction, operation and maintenance of the Centre City Redevelopment Project, including new park 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 properties.

Section 6. That said real properties are to be used for new park opportunities for residents of San Diego and for the removal of blight and the construction, operation and maintenance of the Centre City Redevelopment Project, which uses are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 7. That offers to acquire said properties 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 properties 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 properties, for the purpose of condemning and acquiring the certain real properties 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 S. Hinz

Deputy General Counsel

SSH:vtc:Lit.

05/11/94

Or.Dept:CCDC

Aud.Cert:

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