

(RA-94-71)

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 2368
ADOPTED ON MARCH 29, 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 BARRIO LOGAN REDEVELOPMENT PROJECT, WIDENING CROSBY STREET BETWEEN HARBOR DRIVE AND KEARNEY AVENUE; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO AND EASEMENTS IN SAID PROPERTY FOR SAID BARRIO LOGAN REDEVELOPMENT PROJECT; THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY, PURSUANT TO GOVERNMENT CODE SECTION 7267.2 AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; DECLARING THE INTENTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; THAT THE TAKING AND ACQUIRING OF SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; 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 AND ACQUIRING IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Redevelopment Agency of The City of San Diego has provided notice to those persons designated in Section 1245.235, 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, Code of Civil Procedure; 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 of The City of San Diego, require the removal of blight and the construction, improvement, operation and maintenance of the Barrio Logan Redevelopment Project in Barrio Logan, widening Crosby Street between Harbor Drive and Kearney Avenue, as more particularly described hereinafter.

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 fee title to and easements in said property for the removal of blight and the construction, improvement, operation and maintenance of the Crosby Street Widening Project; said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That 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 Code of Civil Procedure; and Sections 33000 et seq. of the California Health and Safety Code.

Section 4. That the parcels of real property and the interests sought to be condemned are described as follows:

Section 5. That the taking and acquiring by said Redevelopment Agency of the City of San Diego of the real property hereinabove described is deemed necessary for the removal of blight and the construction, improvement, operation and maintenance of the Barrio Logan Redevelopment Project including, but not limited to, the widening of the street from two to four lanes, new paving, decorative sidewalks, curbs, gutters, storm drains, traffic signals and undergrounding overhead utility lines and all incidents and appurtenances thereto, consistent with the uses permitted by the Barrio Logan Redevelopment Project; that the proposed project is necessary to remove blight and revitalize the Barrio Logan area by creation of an improved street circulation system; that such use is a public use authorized by law (inter alia, 1240.010, 1240.110, 1240.120, and 1255.410 of the Code of Civil Procedure; and Sections 33000, et seq. of the California Health and Safety Code); that for such public use, it is necessary that The Redevelopment Agency of The City of San Diego condemn and acquire said real property.

Section 6. That the proposed project for which this acquisition is being sought is to be used to improve Crosby Street between Harbor Drive and Kearney Avenue; and that the acquisition will enable the City to provide a safer, more efficient street system for the community and tourists visiting the area;

Section 7. That all of said real property and interests therein are to be used for public street purposes and for the removal of blight and the construction, operation and maintenance of the Barrio Logan Redevelopment Project, which uses are planned and located in a manner most compatible with the greatest public good and the least private injury;

Section 8. That an offer to acquire the property, pursuant to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property to be acquired and thereafter were rejected;

Section 9. That the General Counsel of the Redevelopment Agency of The City of San Diego be, and is hereby 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 as hereinbefore described for the use of said Redevelopment Agency of The City of San Diego.

APPROVED: JOHN W. WITT, General Counsel

By

Debra J. Bevier

Deputy General Counsel

DJB:djr:Lit

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Or.Dept:Redev.Agency

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