

(RA-95-124)
REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 2549
ADOPTED ON AUGUST 15, 1995

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 MERCADO COMMERCIAL PROJECT IN THE BARRIO LOGAN REDEVELOPMENT PROJECT AREA, SAID AREA BEING A TWO BLOCK AREA BORDERED ON THE NORTH BY CROSBY STREET, ON THE EAST BY NATIONAL AVENUE, ON THE WEST BY MAIN STREET, AND ON THE SOUTH BY THE SAN DIEGO-CORONADO BAY BRIDGE; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO SAID PROPERTY FOR SAID MERCADO COMMERCIAL 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 Mercado Commercial Project in the Barrio Logan Redevelopment Project Area 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 Mercado Commercial Project; and

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 Mercado Commercial Project in the Barrio Logan Redevelopment Project Area 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 fee title absolute to said property for the removal of blight and the construction, operation and maintenance of The Mercado Commercial Project; said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. 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 4. That the parcels of real property 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 hereinbefore

described are deemed necessary for the removal of blight and the construction, operation and maintenance of The Mercado Commercial Project, including but not limited to, the removal and clearance of the existing improvements thereon, assembly of lots and construction of new improvements, for new commercial opportunities for residents of San Diego consistent with the uses permitted by The Mercado Commercial Project; that the proposed project is necessary to remove blight and revitalize the Centre City area by bringing in commercial 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 real property.

Section 6. That said real property is to be used to bring in commercial uses and for the removal of blight and the construction, operation and maintenance of The Mercado Commercial 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 an offer to acquire said property based upon at the appraised fair market value required by Government Code Section 7267.2 has been made to the owners 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

Allisyn Thomas,

Deputy Counsel

DJB:dk:djr:Lit

6/05/95

Or.Dept:Redev. Agency

Aud.Cert:

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