

(RA-99-11)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2886

ADOPTED ON SEPTEMBER 14, 1998

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: PARCEL A: LOTS "A" AND "B" IN BLOCK 29 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY L.L. LOCKLING IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA; PARCEL B: NORTH ONE-HALF OF LOT "C," BLOCK 29 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY L.L. LOCKLING IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA; PARCEL C: THE SOUTH HALF OF LOT "C," AND ALL OF LOTS "D," "E" AND "F" IN BLOCK 29 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY L.L. LOCKLING IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA; PARCEL D: LOTS "G," "H" AND "I" IN BLOCK 29 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF

SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY L.L. LOCKLING IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA; PARCEL E: LOTS "J" AND "K," IN BLOCK 29 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY L.L. LOCKLING IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA; PARCEL F: LOTS "A," "B," "C," "D," "E" AND "F" IN BLOCK 173 OF HORTON'S ADDITION, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AS PER MAP RECORDED IN BOOK 535, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; PARCEL G: LOT "A" IN BLOCK 104 HORTON'S ADDITION IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 369 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, NOVEMBER 13, 1868; 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 WHICH OFFERS HAVE NOT BEEN ACCEPTED; 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:

Parcel A: ("Deeble Trust") Lots "A" and "B" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel B: ("Viray") North one-half of Lot "C," Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel C: ("Lamon") The south half of Lot "C," and all of Lots "D," "E" and "F" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel D: ("Dan Company") Lots "G," "H" and "I" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel E: ("Johnson Trust") Lots "J" and "K," in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel F: ("Young") Lots "A," "B," "C," "D," "E" and "F" in Block 173 of Horton's Addition in the County of San Diego, State of California, according to the map thereof as filed in the Office of the County Recorder of San Diego County, as per map recorded in Book 535, Page 15

of Maps, in the Office of the County Recorder of said County;

Parcel G: ("Attisha") Lot "A" in Block 104 Horton's Addition in the City of San Diego, County of San Diego, State of California, according to map thereof No. 369 filed in the Office of the County Recorder of said San Diego County, November 13, 1868;

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 the public interest and necessity to acquire the subject real properties as hereinafter described for the purpose of the removal of blight and blighting influences and the construction, operation and maintenance of the Centre City 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 Centre City Redevelopment Project in:

Parcel A: ("Deeble Trust") Lots "A" and "B" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel B: ("Viray") North one-half of Lot "C," Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel C: ("Lamon") The south half of Lot "C," and all of Lots "D," "E" and "F" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel D: ("Dan Company") Lots "G," "H" and "I" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel E: ("Johnson Trust") Lots "J" and "K," in Block

29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel F: ("Young") Lots "A," "B," "C," "D," "E" and "F" in Block 173 of Horton's Addition in the County of San Diego, State of California, according to the map thereof as filed in the Office of the County Recorder of San Diego County, as per map recorded in Book 535, Page 15 of Maps, in the Office of the County Recorder of said County;

Parcel G: ("Attisha") Lot "A" in Block 104 Horton's Addition in the City of San Diego, County of San Diego, State of California, according to map thereof No. 369 filed in the Office of the County Recorder of said San Diego County, November 13, 1868;

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:

Parcel A: ("Deeble Trust") Lots "A" and "B" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel B: ("Viray") North one-half of Lot "C," Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel C: ("Lamon") The south half of Lot "C," and all of Lots "D," "E" and "F" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L.

Lockling in the Office of the County Recorder of San Diego County, California;

Parcel D: ("Dan Company") Lots "G," "H" and "I" in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel E: ("Johnson Trust") Lots "J" and "K," in Block 29 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof by L.L. Lockling in the Office of the County Recorder of San Diego County, California;

Parcel F: ("Young") Lots "A," "B," "C," "D," "E" and "F" in Block 173 of Horton's Addition in the County of San Diego, State of California, according to the map thereof as filed in the Office of the County Recorder of San Diego County, as per map recorded in Book 535, Page 15 of Maps, in the Office of the County Recorder of said County;

Parcel G: ("Attisha") Lot "A" in Block 104 Horton's Addition in the City of San Diego, County of San Diego, State of California, according to map thereof No. 369 filed in the Office of the County Recorder of said San Diego County, November 13, 1868;

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 transit, retail, commercial and residential 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 transit, retail, commercial and residential 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 independent 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 said offers have not been accepted.

Section 8. That the proposed use for the property to be acquired will not unreasonably interfere with or impair the continuance of any public use as it now exists or may be reasonably expected to exist in the future and the taking as to any publicly owned parcels is for a compatible public use consistent with and authorized by Code of Civil Procedure Section 1240.510.

Section 9. That the use for which any publicly owned parcels are to be taken is a more necessary public use than that to which the property is currently appropriated and the taking as to any publicly owned parcels is for a more necessary public use consistent with and authorized by Code of Civil Procedure Section 1240.610

Section 10. 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 including taking immediate possession in the manner provided by law.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys  
Deputy General Counsel

DKH:dr

8/24/98

Or.Dept:CCDC

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