

RESOLUTION NO. R-250806

(R.80-1079)

DEC 16 1979

A RESOLUTION PROTESTING THE PROPOSED ACQUISITION BY EMINENT DOMAIN BY THE CITY OF ESCONDIDO OF APPROXIMATELY 77.5 ACRES OF PROPERTY OWNED BY THE CITY OF SAN DIEGO, WHICH PROPERTY IS SOUGHT TO BE USED FOR PARK PURPOSES TO REPLACE OTHER PARK PROPERTY PROPOSED TO BE LEASED BY THE CITY OF ESCONDIDO FOR SHOPPING CENTER DEVELOPMENT.

WHEREAS, the City of Escondido has been requested to lease approximately 75 acres of property conveyed by the City of San Diego to Escondido in 1967 for park purposes to a shopping center developer for construction and operation of a regional retail shopping center; and

WHEREAS, in connection with said proposal, the City Council of the City of Escondido supported a ballot proposal to remove said approximately 75 acres from park dedication; and

WHEREAS, in connection with said ballot proposal, the City of Escondido is obligated to acquire approximately 77.5 acres of property owned by the City of San Diego for addition to Kit Carson Park to replace the approximately 75 acres removed from park use; and

WHEREAS, the sole and exclusive reason said 77.5 acres is needed by the City of Escondido is to replace property suitable for park development which was conveyed to said City for park use and development but is now sought to be utilized as an income producing asset through lease for commercial retail development; and

WHEREAS, the City of Escondido has now indicated an intent to utilize both its zoning powers and its power of eminent domain to accomplish the goal of the shopping center development; and

WHEREAS, the City of San Diego objects to the acquisition of its property by eminent domain and feels that to take such property by eminent domain would constitute a gross abuse of discretion on the part of the City of Escondido, since the sole purpose is to accomplish the development of a commercial shopping center, and the City of Escondido has no right to acquire property for shopping center purposes utilizing its eminent domain powers; NOW, THEREFORE, &

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the City of San Diego hereby protests any proposed finding that the City's property is being taken for a public use and that the City of Escondido has the right to acquire the property of the City of San Diego by eminent domain, since the project involved is not the acquisition of additional park land, but is the conversion of existing park lands into a commercial shopping center, and since establishment of a shopping center is not a public purpose.

2. The City of San Diego hereby protests any proposed finding that the public interest and necessity require the proposed project since the sole project involved is the development and operation of a retail shopping center and the proposed park acquisition is merely incidental and necessary to such development.

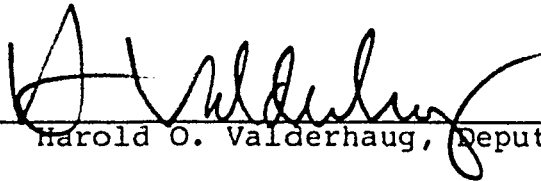
3. The City of San Diego hereby objects to any proposed finding that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury since the proposed project, being a commercial shopping center, while financially beneficial to both the shopping center developer and the City of Escondido is not a public use and the City of San Diego and other private property owners will be substantially detrimentally affected by the proposed acquisition by eminent domain.

4. The City of San Diego further protests any proposed finding that the property proposed for acquisition is necessary for the proposed project since the project is not one for a public purpose and since the private interests involved can utilize numerous other privately-owned properties without creating any need whatsoever for the condemnation of property for park purposes.

5. The City of San Diego further protests any intent on the part of the City of Escondido to proceed with the acquisition of San Diego's property by eminent domain for the purpose of, through the exercise of its zoning powers, utilizing City of Escondido property for private business purposes and further protests any intent to re-zone only property owned by the City of Escondido for such private business purposes to the detriment of the owners of property adjacent to the City of Escondido land.

6. The City of San Diego hereby protests any action whatsoever by the City of Escondido in going forward with actions necessary for the implementation of the private commercial project without first complying with the provisions of the California Environmental Quality Act relating to preparation and review of an Environmental Impact Report; this proposed action in eminent domain being part and parcel of and necessary and incidental to the proposed shopping center development.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:dm
12/10/79

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Passed and adopted by the Council of The City of San Diego on DEC 10 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *William Blorham* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250806 Adopted DEC 10 1979