

RESOLUTION NUMBER R- 293661

ADOPTED ON AUG 08 2000

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE AND THE IMPROVEMENTS THEREON TO THE PROPERTY DESCRIBED HEREIN, INCLUDING, THE TRANSITIONAL HOUSING FACILITY OPERATED BY VIETNAM VETERANS OF SAN DIEGO, A NOT FOR PROFIT ENTITY, FOR THE IMPROVEMENT, OPERATION AND MAINTENANCE OF THE VIETNAM VETERANS/HOMELESS CENTER PROJECT; THAT THE INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED PRIMARILY AT 4141 PACIFIC HIGHWAY, APPROXIMATELY, ONE-QUARTER MILE SOUTHEAST OF PACIFIC HIGHWAY AND BARNETT AVENUE, WITHIN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE INTERESTS TO BE ACQUIRED INCLUDE BUT ARE NOT LIMITED TO FEE SIMPLE TITLE TO THE PROPERTY AND THE IMPROVEMENTS THEREON; 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; THAT THE PROPERTY SOUGHT TO BE ACQUIRED IS NECESSARY FOR THE PROJECT; THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND DECLARING THAT THE OFFER TO PURCHASE THE PROPERTY REQUIRED BY GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE OWNER OF RECORD AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE FEE SIMPLE TITLE TO THE PROPERTY DESCRIBED HEREIN AND THE IMPROVEMENTS THEREON UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY ATTORNEY OF THE CITY OF SAN DIEGO TO COMMENCE AN EMINENT DOMAIN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN THE COUNTY OF SAN DIEGO, TO CONDEMN, ACQUIRE AND OBTAIN IMMEDIATE POSSESSION OF THE PROPERTY FOR THE USE OF THE CITY.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in California Code of Civil Procedure section 1245.235, and has provided them a reasonable opportunity to appear and be heard on the matters referred to in California Code of Civil Procedure section 1240.030; and

BE IT RESOLVED AND FINDINGS MADE, BY THE COUNCIL OF THE CITY OF SAN DIEGO, AS FOLLOWS:

Section 1. That the Vietnam Veterans/Homeless Center Project, a public improvement project, will provide for the acquisition of fee simple title and the improvements on the properties, as more particularly described herein, including the transitional housing facility operated by Vietnam Veterans of San Diego, a not for profit entity.

Section 2. That the public interest, convenience and necessity of the City, and the inhabitants thereof, require the acquisition of fee simple title to the property described hereafter and the improvements thereon, including the transitional housing facility operated by Vietnam Veterans of San Diego, a not for profit entity, to assure the continuation of a transitional housing facility consistent with the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan. Additionally, this acquisition contributes toward meeting the City's low and moderate income housing needs identified in the Housing Element of the General Plan pursuant to Government Code Section 65583(c) (1).

Section 3. That the Vietnam Veterans/Homeless Center Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Currently the property is being utilized as a transitional housing facility for Vietnam Veterans and is in a location appropriate for its use. The acquisition of the property and the improvements thereon, will enhance the long term stability of the provider, Vietnam Veterans of San Diego, and

will enable it to expand its services. This property was identified in the Homeless Assistance Element of the Naval Training Center Reuse plan for acquisition by the City and said acquisition will enable the provider to remain at its current location. The Homeless Assistance Element was developed in order to comply with the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act. The specific provisions of the Homeless Assistance Element were developed as the result of negotiations between the City and the major providers of homeless services in San Diego.

Section 4. That the fee simple title and improvements sought to be acquired are necessary for the operation, improvement and maintenance of the Vietnam Veterans/Homeless Center Project, and incidents thereto, including but not limited to, assuring the continued use and services at the property. These services have been deemed important to public welfare and have been included in the Homeless Assistance Element of the Naval Training Center Reuse Plan.

Section 5. That the acquisitions sought herein are for a public use authorized by the following code sections: Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410; Government Code Sections 37350.5 and 65583 (c) (1); and Charter of The City of San Diego Section 220.

Section 6. That the interests sought to be condemned are described as follows:

APNS: 450-570-01,02,03,& 04

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF RIGHT OF WAY LOTS 196, 197, 198 AND UNNUMBERED LOT LYING NORTHWESTERLY OF AND ADJACENT TO SAID LOT 198 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE BY J. E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID UNNUMBERED LOT; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOTS SOUTH $61^{\circ}18'20''$ EAST, 150.00 FEET; THENCE AT RIGHT ANGLES TO SAID SOUTHWESTERLY LINE, NORTH $28^{\circ}41'40''$ EAST, 61.00 FEET; THENCE PARALLEL TO SAID SOUTHWESTERLY LINE, NORTH $61^{\circ}18'20''$ WEST, 142.09 FEET TO THE NORTHWESTERLY LINE OF SAID UNNUMBERED LOT; THENCE ALONG SAID NORTHWESTERLY LINE, SOUTH $36^{\circ}05'$ WEST, 61.51 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

RIGHT OF WAY LOTS 191, 192, 193, 194, 195, 196, 197, 198 AND THE UNNUMBERED LOT LYING NORTHWESTERLY OF AND ADJACENT TO SAID LOT 198 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE BY J.E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY.

EXCEPTING FROM SAID LOTS 196, 197, 198 AND UNNUMBERED LOT, THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID UNNUMBERED LOT; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOTS SOUTH $61^{\circ}18'20''$ EAST, 150.00 FEET; THENCE AT RIGHT ANGLES TO SAID SOUTHWESTERLY LINE, NORTH $28^{\circ}41'40''$ EAST, 61.00 FEET; THENCE PARALLEL TO SAID SOUTHWESTERLY LINE, NORTH $61^{\circ}18'20''$ WEST, 142.09 FEET TO THE NORTHWESTERLY LINE OF SAID UNNUMBERED LOT; THENCE ALONG SAID NORTHWESTERLY LINE, SOUTH $36^{\circ}05'$ WEST, 61.51 FEET TO THE POINT OF BEGINNING.

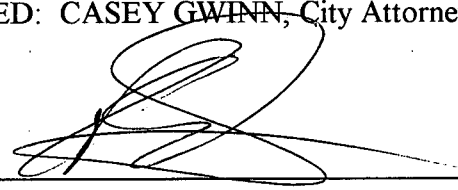
Section 7. That the offer required by Government Code Section 7267.2 has been made to the owner of record of the property to be acquired.

Section 8. That in connection with this action the Council has conducted an environmental assessment and determined that this activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15326, and categorically exempt from National Environmental Policy Act (NEPA) pursuant to 24 Code Federal Regulations, Part 58, Section 58.34 (a) (12).

Section 9. That the City Attorney of the City of San Diego be, and he is hereby authorized and directed to commence an eminent domain action in the Superior Court of the State of California, County of San Diego, in the name and on behalf of the City of San Diego, against all owners and claimants to an interest in the above-described property, to condemn, acquire and obtain immediate possession of the property for the use of the City.

APPROVED: CASEY GWINN, City Attorney

By _____


Paul G. Edmonson
Deputy City Attorney

PGE:rd:Civ
07/26/00
Or.Dept:REA
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