

(R-2001-733)

RESOLUTION NO. 294401

ADOPTED ON DEC 12 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, THE IMPROVEMENTS THEREON AND THE FURNITURE, FIXTURES AND EQUIPMENT TO THE PROPERTY DESCRIBED HEREIN, FOR THE IMPROVEMENT, OPERATION AND MAINTENANCE OF THE HOUSING FOR HOMELESS FAMILIES PROJECT; THAT THE INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED AT THE DAYS INN MOTEL, 1449 NINTH AVENUE, WITHIN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE INTERESTS TO BE ACQUIRED INCLUDE FEE SIMPLE TITLE TO THE PROPERTY, THE IMPROVEMENTS THEREON, AND THE FURNITURE, FIXTURES AND EQUIPMENT; THAT THE PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; THAT THE INTERESTS SOUGHT TO BE ACQUIRED ARE NECESSARY FOR THE PROJECT; THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND DECLARING THAT THE OFFER TO PURCHASE THE INTERESTS DESCRIBED HEREIN 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, THE IMPROVEMENTS THEREON, AND THE FURNITURE, FIXTURES AND EQUIPMENT 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 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;

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

Section 1. That the Housing for Homeless Families Project will provide for the acquisition of fee simple title, the improvements on the property, and the furniture, fixtures, and equipment, [collectively referred to throughout this resolution as “the property”], more particularly described herein;

Section 2. That the public interest, convenience and necessity of the City of San Diego, and the inhabitants of the City of San Diego, require the acquisition of fee simple title to the property described herein to increase the supply of emergency shelters and transitional housing for homeless families consistent with the objectives and goals set forth in the Housing Element of the City's Progress Guide and General Plan and the City's Consolidated Plan. This acquisition also contributes toward meeting the City's obligation to identify and make available adequate sites to facilitate and encourage the development of emergency shelters and transitional housing as required by Government Code section 65583(c)(1). Furthermore, as detailed in the City's Consolidated Plan, there are at least 5,500 urban homeless in the City of San Diego, with the Downtown area of San Diego having the highest concentration, with approximately 3,500 to 4,000 homeless individuals. The acquisition of the property described herein will assist in reducing the number of homeless families in the Downtown San Diego area consistent with the Continuum of Care concept outlined in the Housing Element and the Consolidated Plan. The

Continuum of Care concept envisions a service delivery process that moves a homeless individual from the initial point of contact, through all needed services, including emergency shelter and transitional housing, to the ultimate goal of permanent housing. A key element of the Continuum of Care concept is the provision of an adequate supply of emergency shelters to ensure that homeless individuals and families have housing while they receive support services. By increasing the supply of shelter space for homeless families, this action advances the Continuum of Care concept. Finally, this acquisition furthers the City's Comprehensive Homeless Policy which mandates that all homeless services be linked in a continuum of care concept that leads to permanent housing and independent living.

Section 3. That the Housing for Homeless Families Project is planned or located in a manner that will be compatible with the greatest public good and least private injury. The property is located in an area where there is an unmet need for housing for the homeless population, as documented in the Housing Element and the Consolidated Plan. The acquisition of the property will assure homeless families have shelter while critical supportive services are administered and permanent housing options are identified. Moreover, the property is also located in a hotel/residential district. Because only families with children will be housed at the project, the site is compatible with surrounding multi-family neighborhood.

Section 4. That the fee simple title and improvement thereon sought to be acquired are necessary for the Housing for Homeless Families Project. The Days Inn Motel is ideally suited for use for the Project because it is already served with public facilities and services and is capable of providing immediate housing opportunities for approximately 150 homeless family members without substantial delay or excessive rehabilitation expenses. Furthermore, the City has conducted a extensive review of the available properties for the project in the Downtown area

and has concluded that the Days Inn Motel presents the only feasible location to fulfill the objectives of the project.

Section 5. That the acquisition sought herein are for the 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, 65583(c), 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:

LOT 1 OF CLARK HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5884, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 12, 1957. (A.P.N. 534-042-11)

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

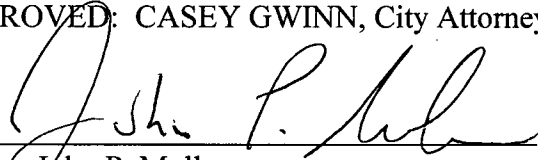
Section 8. That in connection with this action the Council has conducted an environmental assessment and determined that this activity is categorically exempt from California Environmental Qualify Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3). This determination is predicated on Section 15004 of the CEQA Guidelines. The use of the property for the project will require appropriate review under CEQA.

Section 9. That the City Attorney of the City of San Diego be, and hereby is authorized and directed to commence an eminent domain action in the Superior Court of the State of California, the County of San Diego, in the name and on behalf of the City of San Diego,

against all owners and claimants with an interest in the above-described property, to condemn,  
acquire and obtain immediate possession of the property for the use of the City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By

  
John P. Mullen,  
Deputy City Attorney

JPM:kat:Civ

10/27/00

Or.Dept:Redev. Agency

R-2001-733

Form=acqredv.res