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(a-b)

(R-2002-24)

RESOLUTION NUMBER 295201

ADOPTED ON JUL 24 2001

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 IMPROVEMENTS TO THE PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE POINT LOMA BRANCH LIBRARY PROJECT IN ORDER TO PROVIDE FOR THE CURRENT AND PROJECTED NEEDS OF THE COMMUNITY; THAT SAID EXPANSION WILL ENABLE THE CITY TO PROVIDE FOR A MODERN LIBRARY AND COMMUNITY SERVICE CENTER FACILITY, A PARK AND NECESSARY EXPANDED PARKING FACILITIES; THAT SAID EXPANSION PROJECT WILL NECESSARILY REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE TO SAID REAL PROPERTY LOCATED AT 3755 VOLTAIRE STREET, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION; 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 DECLARING THAT THE OFFER TO PURCHASE THE PROPERTY REQUIRED BY GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID REAL PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY ATTORNEY OF THE CITY OF SAN DIEGO TO COMMENCE AN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, TO CONDEMN, ACQUIRE, AND OBTAIN PREJUDGMENT 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 public interest, convenience, and necessity of the City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of the Point Loma Branch Library Project [Library Project] which will enable the City to provide the service area communities with a modernized library and community service center facility, a park, added landscaping, and necessary expanded parking facilities.

That the existing 4,894 square foot Point Loma Branch Library facility built in 1959 is substandard and inadequate to meet the current and expanding needs of the Point Loma and Midway communities; that the facility is deteriorated as its major systems are old, lack air conditioning, are not energy efficient, and do not meet with the American with Disabilities Act code requirements; that with the projected growth in annual patronage of 224,000 visits, the existing facility is much too small to meet the current and growing needs of its community; that based upon library building size and design standards provided by the City of San Diego Library Department, the current facility provides only 0.13 square feet per capita which is far below the recommended American Library Association Standard for Small Libraries of 0.60 square feet per capita.

That the proposed Library Project is necessary to ensure public safety by requiring that the new facility is built to meet or exceed all of the current applicable code standards; that it will also be built so that it is large enough to meet the current and growing demands of the community; that by eliminating structures of substandard design and capacity, adding needed services and space, improving landscaping as well as creating additional parking and a small playground park, the proposed Library Project will assist in the elimination of blight and promote the revitalization of the North Bay Redevelopment Project area, particularly the Voltaire Corridor where businesses have struggled.

Section 2. That the public interest, convenience and necessity of the City, and the inhabitants thereof, require the acquisition and taking of fee simple title and improvements to the real property described hereafter for the construction, operation and maintenance of the Point Loma Branch Library Project; the real property lying within the City of San Diego, County of San Diego, State of California, as more particularly described hereafter.

Section 3. That the Point Loma Branch Library Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that condemnation of the property for the Point Loma Branch Library Project is consistent with the Five-Year Implementation Plan for the North Bay Redevelopment Project area adopted by the Redevelopment Agency on May 4, 1998, and as amended on March 6, 2001, in that it will “improve, promote and preserve the positive neighborhood characteristics in North Bay, while correcting physical and economic deficiencies in the community.”

That it will also assist in meeting the goal and objective stated in the Implementation Plan to “improve and attract the growth and vitality of the proposed Redevelopment Project Area’s

business environment and address the commercial, service, and employment needs of the proposed Redevelopment Project Area” by providing computer facilities to individuals seeking training, employment, or business information, by providing meeting and event facilities, and by attracting additional consumers to the Voltaire Corridor. An additional goal and objective of the Implementation Plan which the proposed Library Project will assist with is to “enhance infrastructure facilities which improve the community and support public safety, health, and local vitality.”

That among the public benefits of the proposed Library Project are the provision of a formal education and support center for children, a special young adult learning center for independent and tutorial studies, a “Door to Learning Program” for preschoolers, a reading library, a computer lab with internet accessibility for the public, audiovisual facilities, as well as small and large community conference rooms available for public or private use. The proposed Library Project will also benefit the public by ensuring that the library facility meets or exceeds the applicable code standards, adding needed parking spaces and landscaping as well as creating a small playground area. It also contemplates the expansion of special collections including investment materials for small businesses, foreign language materials, and resources relating to Point Loma’s history and nautical history.

That private injury is minimized because the Project only requires the property of one owner as the City already owns the remaining parcels necessary to complete the Project and these parcels remain vacant. In order to further minimize private injury, the City is obligated and committed to providing all applicable relocation benefits and assistance to the owner of the real property as well as the business tenants on the property, which include a car wash, coffee shop,

florist, and a billboard.

Section 4. That the fee simple title to the parcel of the real property sought to be acquired is necessary for the Point Loma Branch Library Project to provide the required lot area to accommodate the 25,980 square foot proposed Library facility. The property sought to be acquired is also necessary because it is located immediately adjacent to two City-owned parcels which would also be used for construction of the proposed Library Project.

Section 5. That the parcel of real property sought to be condemned is located at 3755 Voltaire Street, San Diego, California, and is more particularly described as follows:

LOTS 17 TO 21 INCLUSIVE, IN BLOCK 39 OF WESTERN ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 315, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 15, 1874.

Section 6. That the acquisition sought herein is for a public use authorized by the following code sections: Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, 1255.410; Government Code sections 37350.5, 37353, 38002, 38010, 39732, and 40401(b); and Charter of the City of San Diego section 220.


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

Section 8. That in connection with this action the Council has reviewed and considered the information contained in Environmental Impact Report, File No. SCH-97091022, dated March 1998, and adopted May 18, 1998 by Resolution No. R-290053, on file in the office of the City Clerk; that it has been determined that no substantial changes or new information of substantial importance, within the meaning of California Environmental Quality Act Guideline

section 15162, would warrant any additional environmental review in connection with authorization of condemnation proceedings to develop the Point Loma Branch Library Project.

Section 9. That the City Attorney of the City of San Diego be, and he is hereby authorized and directed to commence an 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 prejudgment possession of the property for the use of the City.

APPROVED: CASEY GWINN, City Attorney

By 
Kenneth R. So
Deputy City Attorney

KRS:kat:Civ
6/27/01
Or.Dept:REA
Aud.Cert: AC 2101312
R-2002-24
Form=pubbldg.res

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2101312
DEPT. NO.: 541

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 650,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the condemnation proceedings to acquire Lost 17 to 21 inclusive, required for the Point Loma Library Expansion Project.

Date 27-Jun-2001

By: Mikki Gutierrez
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	30244	30244	106	4279	350670				\$650,000.00
TOTAL AMOUNT										\$650,000.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ _____

Vendor _____

Purp _____

Date _____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE