

ORDINANCE NUMBER O- 19629 (NEW SERIES)

4/19

DATE OF FINAL PASSAGE JUN 27 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DESCRIBING THE CITY OF SAN DIEGO REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE PROPERTY WITHIN THE BARRIO LOGAN REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN.

WHEREAS, pursuant to Ordinance Number 17644 N.S., adopted on May 20, 1991, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the Barrio Logan Redevelopment Project (the "Original Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan was amended by the City Council pursuant to Ordinance Numbers O-18817 on November 28, 1994, O-19202 on July 28, 2003, and O-19509 on July 18, 2006 (the Redevelopment plan and all amendments thereto are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, in accordance with California Health and Safety Code Section 33342.7(a), a legislative body that adopted a final redevelopment plan before January 1, 2007, shall adopt an ordinance on or before July 1, 2007, that contains a description of the agency's program to acquire real property by eminent domain; and

WHEREAS, Paragraph 3.1.1 of the Redevelopment Plan, entitled Acquisition of Real Property, authorizes the use of the power of eminent domain within the Barrio Logan Redevelopment Project Area by the Redevelopment Agency of the City of San Diego ("Agency"); NOW, THEREFORE,

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

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. In accordance with California Health and Safety Code Section 33342.7(a), the Agency's program for exercise of eminent domain powers within the Barrio Logan Redevelopment Project Area (the "Program") is described in Paragraph 3.1.1 of the Redevelopment Plan, as follows:

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, demise, lease, purchase, eminent domain or any other lawful method. However, the Agency shall not exercise the power of eminent domain to acquire any property for which proceedings in eminent domain have not commenced within twenty-four (24) years after the effective date of the ordinance approving and adopting this Plan, except by amendment of this Plan. In addition, the area south of Harbor Drive will be exempt from any eminent domain action.

Section 3. The Program may only be changed by an amendment to the Redevelopment Plan, pursuant to and in the manner required and to the extent permitted by law.

Section 4. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of San Diego.

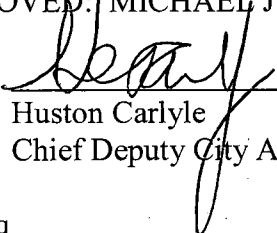
Section 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 6. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 8. That this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

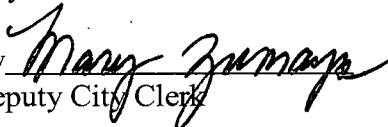
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Huston Carlyle  
Chief Deputy City Attorney

HC:cfq  
05/17/07  
Or.Dept:R.A.  
O-2007-138  
MMS#4847

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 19 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6.27.07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor