

6/19

ORDINANCE NUMBER O- 19630 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2007

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

WHEREAS, pursuant to Ordinance Number 0-17831 (New Series), adopted on September 14, 1992, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the Central Imperial Redevelopment Project (the "Original Redevelopment Plan"); and

WHEREAS, the Original Redevelopment Plan was amended by the City Council pursuant to Ordinance Number 0-18252 (New Series) on January 8, 1996, Ordinance Number 0-18367 (New Series) on December 10, 1996, Ordinance Number 0-18882 (New Series) on November 14, 2000 and Ordinance Number 0-19233 (New Series) on November 3, 2003 (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, Section 410 of the Redevelopment Plan, entitled Acquisition of Property, authorizes the use of the power of eminent domain within the Central Imperial 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 Central Imperial Redevelopment Project Area and Project Expansion Area (the "Program") is as follows:

A. The following provisions described in Paragraphs 410.1 and 410.2 of Section 410 of the Redevelopment Plan, entitled Acquisition of Property:

[T]he Agency may acquire, but is not required to acquire, all real property located in the Project, by gift, devise, exchange, purchase, eminent domain, or any other legal means.

[T]he Agency may acquire, but is not required to acquire, all real property located in the Project Expansion Area, by gift, devise, exchange, purchase, eminent domain, or any other legal means.

[T]he Agency may acquire but is not required to acquire, any real property located in the Central Imperial Redevelopment Project area ("Project Area"), by any means authorized by law. However, proceedings to acquire real property within the Project Area by the Agency through eminent domain shall not be commenced after twelve (12) years following the date of adoption of Ordinance No. 0-19233 by the San Diego City Council adopted on November 3, 2003, in accordance with Health and Safety Code Section 3333.4(g). Such time limitation

may be extended only by amendment of the Redevelopment Plan in the manner required by law.

B. It is in the public interest and necessary for the Agency to effectively eliminate the conditions requiring redevelopment and to facilitate its ability to implement the purposes of the Redevelopment Plan, for the Agency to be able to employ the power of eminent domain to acquire real property in the Project Expansion Area. However, the Agency shall not exercise the power of eminent domain to acquire any parcel of real property in the Project Expansion Area for which proceedings in eminent domain have not been commenced within twelve (12) years after the effective date of the ordinance approving and adopting the Third Amendment to Redevelopment Plan. Such time limitation may be extended only by amendment of the Redevelopment Plan in the manner required by law.

C. "Project" means the Central Imperial Redevelopment Project.

D. "Project Area" means the area included within the boundaries of the Central Imperial Redevelopment Project.

E. "Project Expansion Area" means the area added to the Project Area pursuant to the Third Amendment of the Redevelopment Plan for the Central Imperial Redevelopment Project.

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.

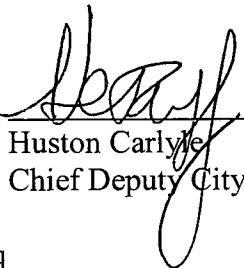
Section 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been 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-2007-139
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)

JERRY SANDERS, Mayor