

6/19

ORDINANCE NUMBER O- 19632 (NEW SERIES)

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 CITY HEIGHTS REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN.

WHEREAS, pursuant to Ordinance Number 0-17768 (New Series), adopted on May 11, 1992, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the City Heights Redevelopment Project (the "Original Redevelopment Plan"); and

WHEREAS, the Original Redevelopment Plan was amended by the City Council pursuant to Ordinance Numbers 0-18120 (New Series) on November 28, 1994, 0-18294 (New Series) on April 16, 1996, 0-18881 (New Series) on November 14, 2000, and 0-19510 (New Series) 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 603 of Section 600 of the Redevelopment Plan, entitled Acquisition of Property, authorizes the use of the power of eminent domain within the City Heights 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 City Heights Redevelopment Project Area (the "Program") is described in the first full paragraph of Paragraph 603 of Section 600 of the Redevelopment Plan, entitled Acquisition of Property, as follows:

The Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Project Area by gift, devise, exchange, purchase, or any other means authorized by law, including the use of eminent-domain for purposes of redevelopment on all of the following properties: 1) with the exception of all properties fronting on Poplar Street, all properties designated as Commercial, Commercial Transitional and Industrial on the Land Use Map..., 2) in residentially zoned areas which are located within the ten (10) square blocks encompassed by University Avenue, Landis Street, Chamoune Avenue, and 43rd Street, which are reserved for the City Heights Urban Village..., 3) in residentially zoned areas which are located within the four (4) square blocks in the Interstate 15 Corridor Area and are encompassed by University Avenue, Central Avenue, Orange Avenue and Marlborough Avenue..., 4) in residentially zoned areas which are located within the four (4) square blocks in the Interstate 15 Corridor Area and are encompassed by University Avenue, 40th Street, Orange Avenue and 38th Street..., 5) in residentially zoned areas which are located within the square block in the Interstate 15 Corridor Area and are encompassed by University Avenue, 39th Street, Wightman Street and 40th Street..., and 6) in

residentially designated areas which are located within the square block in the Interstate 15 Corridor Area and are encompassed by University Avenue, Central Avenue, Wightman Street and 41st Street. For all other residentially designated properties within the Project Area eminent domain shall only be allowed for: 1) public projects, 2) removal of chronic code violations, based upon findings of fact made by the Redevelopment Agency at a noticed public hearing, which findings shall be conclusive, 3) removal of chronic crime problems, based upon findings of fact made by the Redevelopment Agency at a noticed public hearing, which findings shall be conclusive, and 4) preservation of significant cultural and historical resources as determined by the San Diego Historical Sites Board. The Agency may further, to the greatest extent allowed by law, purchase, lease, obtain option upon or acquire any interest in real property within a survey area or for purposes of redevelopment by any means authorized by law. Any eminent domain proceedings must commence within twelve (12) years of the effective date of the ordinance approving and adopting this Plan Amendment No. Three. Such time limitation may be extended only by amendment of this Plan.

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

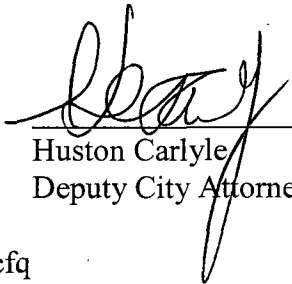
Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

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
Deputy City Attorney

HC:cfq
05/17/07
Or.Dept:R.A.
O-2007-141
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