

6/19

ORDINANCE NUMBER O- 19637 (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 GRANTVILLE REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN.

WHEREAS, pursuant to Ordinance Number 0-19380 (New Series), adopted on Mary 17, 2005, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the Grantville Redevelopment Project (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 Grantville 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 Grantville Redevelopment Project Area (the "Program") is as follows:

A. The following provisions described in Paragraphs 410.1, 410.2, 410.3 and 410.7 of Section 410 of the Redevelopment Plan, entitled Acquisition of Property:

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

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area, subject to the limitations set forth in this Section and applicable law.

The Agency shall not exercise the power of eminent domain to acquire any parcel of real property within the Project Area for which proceedings in eminent domain have not commenced within twelve (12) years after the adoption of this Plan. This time limitation may be extended only by amendment of this Plan, unless otherwise provided for by law.

The Agency may not acquire any real property through the exercise of eminent domain unless the Agency determines that one or more of the following conditions have been met:

1. The property contains one or more buildings that are substandard as demonstrated by a structural inspection of the property.
2. The building must be removed or parcel acquired in order to eliminate an environmental deficiency, or to provide for rights-of-way, schools, public safety facilities, protective services, community centers and recreational facilities and other public infrastructure.

3. The building must be removed or parcel acquired in order to eliminate uses incompatible with surrounding uses designated by this Plan.
4. The building must be removed or parcel acquired in order to eliminate impediments to land development through assembly of land into parcels of reasonable size and shape, served by an improved street system and public utilities.
5. The building must be removed or parcel acquired in order to effect a change in land use as provided for in 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.

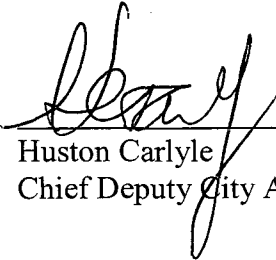
Section 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been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

HC:cfq
05/17/07
Or.Dept:R.A.
O-2007-146
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