

6/19

ORDINANCE NUMBER O- 19638 (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 HORTON PLAZA REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN.

WHEREAS, pursuant to Ordinance Number 10882, adopted on July 25, 1972, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the Horton Plaza Redevelopment Project (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan was amended by the City Council pursuant to Ordinance Numbers O-16775 on December 8, 1986, O-18124 on November 28, 1994, O-18723 on November 22, 1999 and O-19478 on April 7, 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, Section 410 of Article IV of the Redevelopment Plan, entitled Acquisition of Property, authorizes the use of the power of eminent domain within the Horton Plaza 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 Horton Plaza Redevelopment Project Area (the "Program") is described in Section 410 of Article IV of the Redevelopment Plan, entitled Acquisition of Property, and Section 1, paragraph C of the Ordinance Number O-16775 adopted on December 8, 1986, as follows:

[T]he Agency may acquire, but is not required to acquire, all real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain, or any other lawful method... It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area...

No eminent domain proceeding to acquire property within the Project shall be commenced after twelve (12) years following the date of adoption of th[e] ordinance [Number O-16775 which occurred on December 8, 1986]. Such time limitation may be extended only by amendment of the Plan in the manner required by law.

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. The power of eminent domain for the Horton Plaza Redevelopment Project Area has expired and is not currently available.

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.

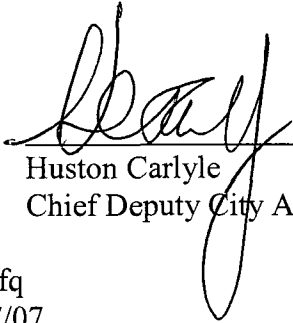
Section 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been 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-2007-147
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