

ORDINANCE NUMBER O- 19644 (NEW SERIES)

6/19

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 SOUTHCREST REDEVELOPMENT PROJECT AREA BY EMINENT DOMAIN.

WHEREAS, pursuant to Ordinance Number 0-16622 (New Series), adopted on April 14, 1986, the Council of the City of San Diego ("City") adopted a final redevelopment plan for the Southcrest Redevelopment Project (the "Original Redevelopment Plan"); and

WHEREAS, the Original Redevelopment Plan was amended by the City Council pursuant to Ordinance Number 0-19330 (New Series) on November 22, 2004, (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 Southcrest 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 Southcrest Redevelopment Project Area (the "Program") is as follows:

A. The following provisions described in Paragraphs 410.1, 410.2 and 410.8 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.

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. However, the Agency shall not exercise the power of eminent domain to acquire any parcel of real property for which proceedings in eminent domain have not commenced within twelve (12) years after the effective date of the ordinance approving and adopting this Plan.

Prior to filing an action in eminent domain to acquire a particular property in the Project Area, the Agency shall approve a declaration stating that the acquisition meets one or more of the following:

1. The private or public owner of a larger parcel requires an adjacent parcel in order to complete a project that will be of benefit to the broader Southcrest community and is keeping with the Community Plan and Redevelopment Plan, or

2. The existing owner, after repeated refusals to rehabilitate his or her property, maintains a blighted or uninhabitable building(s) that devalues nearby or adjoining community properties, or

3. The property is an illegal or non-conforming use under the Community Plan, Redevelopment Plan and underlying zone, and the existing use is inhibiting the redevelopment, development or rehabilitation of the area as proposed by the Redevelopment Plan.

B. The Agency may consider acquiring properties through use of eminent domain in the following areas:

1. Anywhere in Area E, F and G, as designated on the Generalized Land Use Map.

2. In Area A along the south side of Z Street between Z Street and the 252 Corridor, between 39<sup>th</sup> and 40<sup>th</sup> Streets.

C. Prior to requesting condemnation action by the Redevelopment Agency, SEDC will call a meeting of affected Southcrest residents to discuss the property in question.

D. Such limitations 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 Southcrest 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.

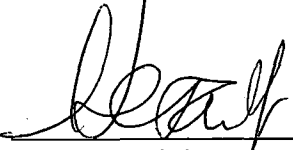
Section 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been 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-2007-153  
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