

RESOLUTION NO. 206307

AUG 15 1972

WHEREAS, in 1965, in connection with construction of Friars Road between Mission Gorge Road and State Route 163 (U.S. 395), the City and the County entered into an agreement the purpose of which was to expedite the acquisition of right of way for the project prior to execution by the two agencies of a joint agreement covering actual construction of the street; and

WHEREAS, although the parcels of right of way described in the agreement were within unincorporated County territory, City agreed to acquire them because the City was at that time already at work on acquisition of project right of way, most of which was within the City limits; and

WHEREAS, said agreement, which was filed in the City Clerk's office on December 22, 1965, as Document No. 694056, provides in essence that the City acquire certain parcels, identified in the agreement as Parcels A, B and C, and that County reimburse City for the cost of acquiring the parcels; and

WHEREAS, because of the critical time element (the Friars Road project was initiated primarily to provide major street access to the San Diego Stadium) it was

necessary to file condemnation actions to obtain possession of portions of the required street right of way; parcels B and C were acquired in that manner, parcel A was within lands purchased for the Stadium site; and

WHEREAS, in 1967, parcels A and B were conveyed to the County in exchange for certain County-owned lands; thus the City and County have performed in respect to those parcels; and

WHEREAS, parcel C, being a portion of Lot 36, Rancho Mission of San Diego, was acquired by the City in 1968, fee title and slope easement rights were obtained; and

WHEREAS, in anticipation of eventual conveyance to the County, there was no street dedication; and

WHEREAS, the sum of \$31,600, a staff value estimate as of November 24, 1965, was deposited in Court to obtain immediate possession of the rights acquired; and

WHEREAS, a quitclaim deed from Southern California First National Bank was accepted by City Council Resolution No. 194887 on September 26, 1968, and the deed was recorded December 2, 1968 at File/Page 210194; and

WHEREAS, after acceptance and recordation of the deed herein requested, County is to pay City \$31,600 fee title and slope easements; \$342.70 escrow and title expenses; and \$1,916.56 administrative overhead (administrative overhead is computed as six percent of gross acquisition costs, being the same percentage used by the County in billing for

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reimbursement for right of way parcels acquired by County for the City) for a total of \$33,859.26; and

WHEREAS, subsequent to the filing of the condemnation action, design changes were made which required additional slope area of approximately 0.606 acre, and an amicable settlement of the matter was reached with the condemnee waiving the right to compensation for the additional slope area and the additional area was included in the quitclaim deed obtained from the condemnee; and

WHEREAS, the County Engineer's office has indicated that payment will be forthcoming as soon as the quitclaim deed has been recorded and an itemized bill submitted; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

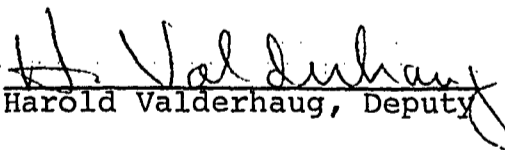
1. That the Mayor and the City Clerk of The City of San Diego be and they are hereby authorized and empowered to execute for and on behalf of and as the act and deed of The City of San Diego, a quitclaim deed, the form of which is on file in the office of the City Clerk of said City as Document No. 741007, quitclaiming to the COUNTY OF SAN DIEGO all that portion of Lot 36 of Rancho Mission of San Diego, in the County of San Diego, State of California, according to the Partition Map thereof made in Superior Court Case No. 348 of San Diego County, entitled "Juan M. Luco, et al. vs. The Commercial Bank of San Diego,

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et al.," together with an easement for a right of way for an earth excavation or embankment, slope or slopes, through, over, upon, along and across the property described in Parcels 3 and 4 in said form of quitclaim deed.

2. That the City Clerk is hereby authorized and directed to deliver said deed to the Property Director for further handling.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold Valderhaug, Deputy

HOV:rp
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BARNETT

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AUG 15 1972

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1972 AUG -9 AM 11:30

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Hatrup M. Dol* Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number 206307	Adopted AUG 15 1972
<i>eh</i>	