

RESOLUTION NO. 207828 APR 26 1973

WHEREAS, on March 7, 1972, the Council of The City of San Diego adopted Resolution No. 205095, which determined and declared that the public interest, convenience and necessity of The City of San Diego required the construction, operation and maintenance of a public street and incidents thereto, together with earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto over portions of the Southwest Quarter and the West Half of the West Half of the Southeast Quarter in Section 5, Township 15 South, Range 2 West, San Bernardino Base and Meridian, according to Official Plat thereof, in the City of San Diego, County of San Diego, State of California; that the public interest, convenience and necessity demanded the acquisition of easements for the construction of said public street and incidents thereto, together with earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto; and declared the intention of The City of San Diego to acquire said easements across the aforementioned property under eminent domain proceedings; and directed the City Attorney of The City of San Diego to commence an action in the Superior Court for the purpose of acquiring said easements; and

WHEREAS, on April 6, 1972, the City Attorney commenced an action in eminent domain in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of acquiring the aforementioned easements for said purposes, the aforesaid action is entitled, "The City of San Diego v. Ellen Browning Scripps Davis, et al.," Superior Court No. 332280; and

WHEREAS, it has developed that the public interest, convenience and necessity of The City of San Diego no longer require the acquisition of the aforementioned easements and require the abandonment of said action in eminent domain by the City Attorney; and

WHEREAS, the defendants of the aforementioned property have been put to cost and expense in connection with the aforesaid action in eminent domain; NOW, THEREFORE,

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

1. That Resolution No. 205095, adopted March 7, 1972 by the Council of The City of San Diego be, and the same is hereby rescinded.

2. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to abandon the action commenced in the Superior Court of the State of California, in and for the County of San Diego, Superior Court No. 332280, entitled "The City of San Diego v. Ellen

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Browning Scripps Davis, et al.," and to take whatever action necessary to obtain said abandonment and dismissing said proceeding pursuant to such abandonment.

3. That the sum of \$4,527.12 is hereby authorized out of General Fund Unallocated Reserve of The City of San Diego, solely and exclusively for the payment to the defendants in said action for costs expended in the defense of said action pursuant to California Code of Civil Procedure, Section 1255 (c).

APPROVED: JOHN W. WITT, City Attorney

By 
Larry L. Marshall, Deputy

LLM:rb
4-18-73

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CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

RECEIVED
CITY CLERK'S OFFICE

1973 APR 20 PM 4:24

SAN DIEGO, CALIF. ^U

CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 4,527.12 Fund 100 General - Unallocated Reserve

Purpose For Payment of Abandonment Costs in the Court Case of the "City of San Diego v. Ellen Browning Scripps Davis."

D. B. Sage

Auditor and Comptroller of
The City of San Diego, Calif.

Date April 20, 19 73

By *Robert H. Lawrence*

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ _____

Dated _____, 19 _____

Auditor and Comptroller of
The City of San Diego, Calif.

BY _____

Job Order
Resolution No.
Project No. _____

Fund _____ Dept./Activity _____ Object _____

Purpose _____

Vendor _____

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CERTIFICATE NO. 4716

RECEIVED
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1973 APR 20 AM 9:18
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on APR 26 1973,
by the following vote:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Mary Anne Kneese, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 207828 Adopted APR 26 1973