

RESOLUTION NO. 208723 AUG 30 1973

WHEREAS, a Complaint for Inverse Condemnation, Trespass and Injunction, Declaratory Relief and Quiet Title, Superior Court No. 324529, was filed by plaintiff, Everdon, Inc. on April 5, 1971, naming City and the Zoological Society of San Diego as defendants; and

WHEREAS, a Complaint for Injunction, Quiet Title and Declaratory Relief, Superior Court No. 326676, was filed by plaintiffs on July 20, 1971, naming City and the Zoological Society as defendants; and

WHEREAS, the central concern of both actions is the preservation of adequate access for the plaintiffs to their respective properties located in the County of San Diego, State of California, in the area north of the boundaries of the San Diego Wild Animal Park in San Pasqual, which boundaries are coextensive with the limits of the City of San Diego; and

WHEREAS, The City of San Diego, owner of the property on which the access routes claimed by plaintiffs are located, and the Zoological Society, licensee of said property, and plaintiffs desire to enter into a Settlement Agreement for their mutual benefit in order to provide for the orderly development of the area while minimizing detrimental effects to the operation of the San Diego Wild Animal Park which may be incidental to such development; and

WHEREAS, all parties to this Settlement Agreement recognize that the key element of the ultimate solution to this problem is the construction of an alternate route to plaintiffs' properties which avoids the Park altogether. City, Society and plaintiffs have conferred with the County of San Diego regarding the construction of such an alternate route and have agreed that the route shown on "Exhibit A" attached to the Settlement Agreement for proposed Rockwood Road, SC 1030, is mutually acceptable. City has, by its Resolution No. 204177, dedicated that portion of proposed Rockwood Road which traverses its property and has expressed its willingness to pay for the construction of that portion of the roadway; NOW, THEREFORE,

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

1. That the City Manager be, and he is hereby authorized and empowered to execute, for and on behalf of said City, a Settlement Agreement with the Zoological Society of San Diego, a California nonprofit corporation, and Everdon, Inc., a California corporation, covering the settlement of the cases of Everdon, Inc. v. Zoological Society of San Diego, et al., Superior Court No. 324529, and Ernest R. Blake, et. al. v. City of San Diego, et al., Superior Court No. 326676, under the terms and conditions set forth in the form of Settlement Agreement, on file in the office of the City Clerk as Document No. 744981.

2. That the City Manager be, and he is hereby authorized and empowered to execute, for and on behalf of said City, all deeds of easements and documents, and to accept all deeds and documents necessary to implement said Settlement Agreement.

APPROVED: JOHN W. WITT, City Attorney

By *Larry L. Marshall*
Larry L. Marshall, Deputy

Passed and adopted by the Council of The City of San Diego on AUG 30 1973,
 by the following vote:

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 CITY CLERK'S OFFICE

1973 AUG 28 AM 11:06

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Mary Anne Neuse, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 208723 Adopted AUG 30 1973