

RESOLUTION NO. 208788 SEP 11 1973

WHEREAS, the San Diego and Arizona Eastern Railway Company, a Nevada corporation, has requested The City of San Diego to grant said company a revocable right to construct, operate and maintain a spur track across a City of San Diego sewer easement, easterly of 54th Street and southerly of Market Street, to serve property owned by Dan McKinney Company as shown on the approved City of San Diego plat attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the City Manager has investigated the railway company's request and has found and determined that the construction and maintenance as requested by the railway company will not unduly interfere with nor affect the public use of the easement involved, nor impair the use of any public improvements installed therein, and has therefore recommended that a revocable permit be granted; and

WHEREAS, it has been determined by The City of San Diego that the granting of this permit is categorically exempt under the California Environmental Quality Act of 1970; and

WHEREAS, permission should be granted to the San Diego and Arizona Eastern Railway Company with conditions to construct, operate and maintain a spur track as requested; NOW, THEREFORE,

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

That the San Diego and Arizona Eastern Railway Company, a Nevada corporation, is hereby granted a revocable right to

construct and maintain a spur track in subject easement in the City of San Diego at the location shown in Exhibit B upon the following terms and conditions:

1. All railway cars shall be operated in such a manner so as to cause the least possible obstruction to ordinary easement maintenance along and across said easement.

2. Crossing protection if required by the California Public Utilities Commission shall be installed by the railway company entirely at its expense and without cost to the City.

3. The permission granted by this resolution shall be revocable at the will of the City Council of The City of San Diego and nothing herein contained shall be construed to extend the permit or time of any franchise heretofore granted either to the petitioner or to successors in interest.

4. Rights and privileges granted by this resolution are subject to regulation of the City Council of The City of San Diego and nothing herein contained shall be so construed as to prevent the Council from altering, amending or repealing this grant, or amending or repealing this resolution in any and all respects.

5. The San Diego and Arizona Railway Company shall hold The City of San Diego harmless from any loss arising out of injury to persons or damage to property resulting directly or indirectly from the performance of work or operation and maintenance of said spur track under this permit including the defense of any action arising therefrom.

6. Failure on the part of said railway company to conform to any or all of the provisions of this resolution shall operate as an immediate forfeiture of the rights and privileges herein granted, provided such failure is not corrected within thirty (30) days after written notice thereof from the City.

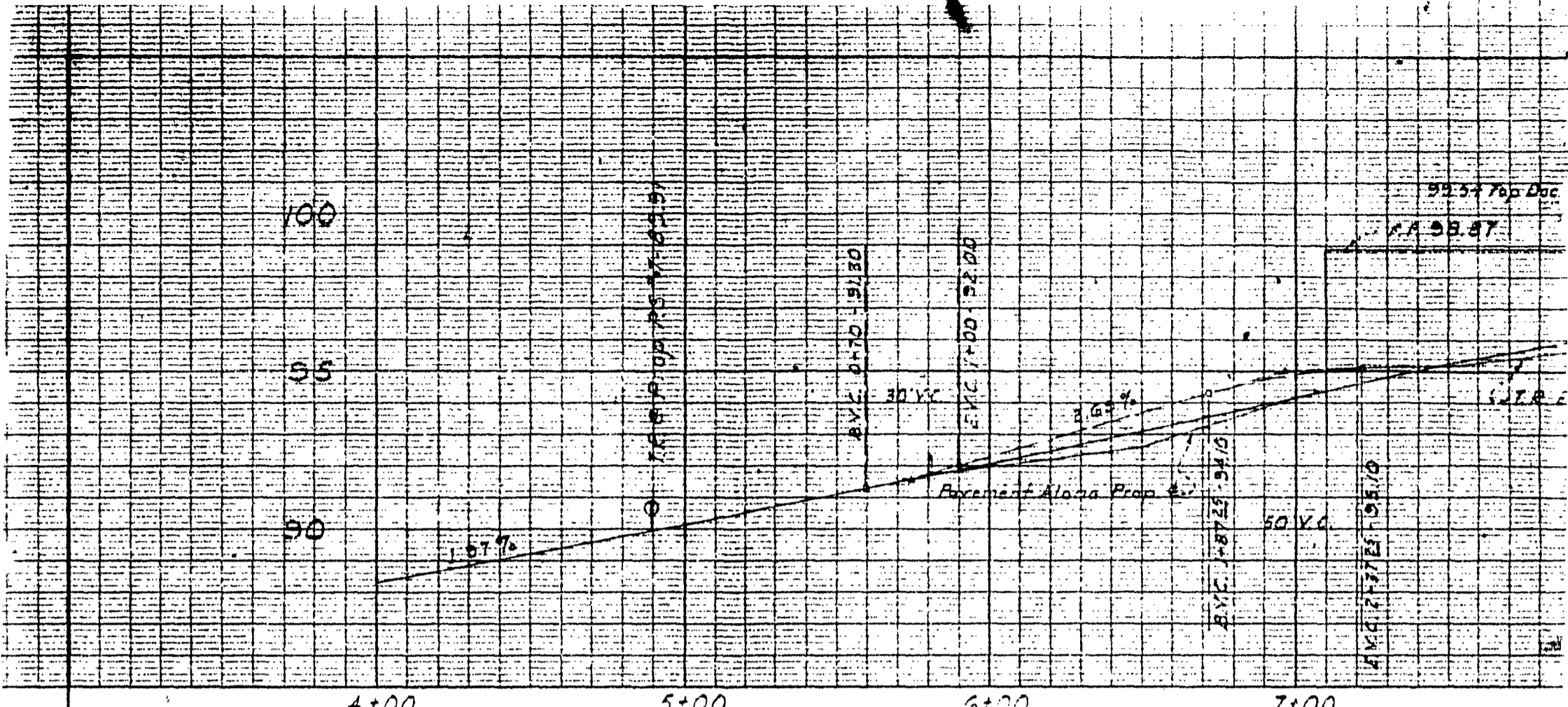
7. At such time as the City elects to construct or relocate public improvements in subject easement, the City may require the railway company at railway company's expense to relocate its trackage to the extent necessary to conform to City's proposed work.

APPROVED: JOHN W. WITT, City Attorney

By

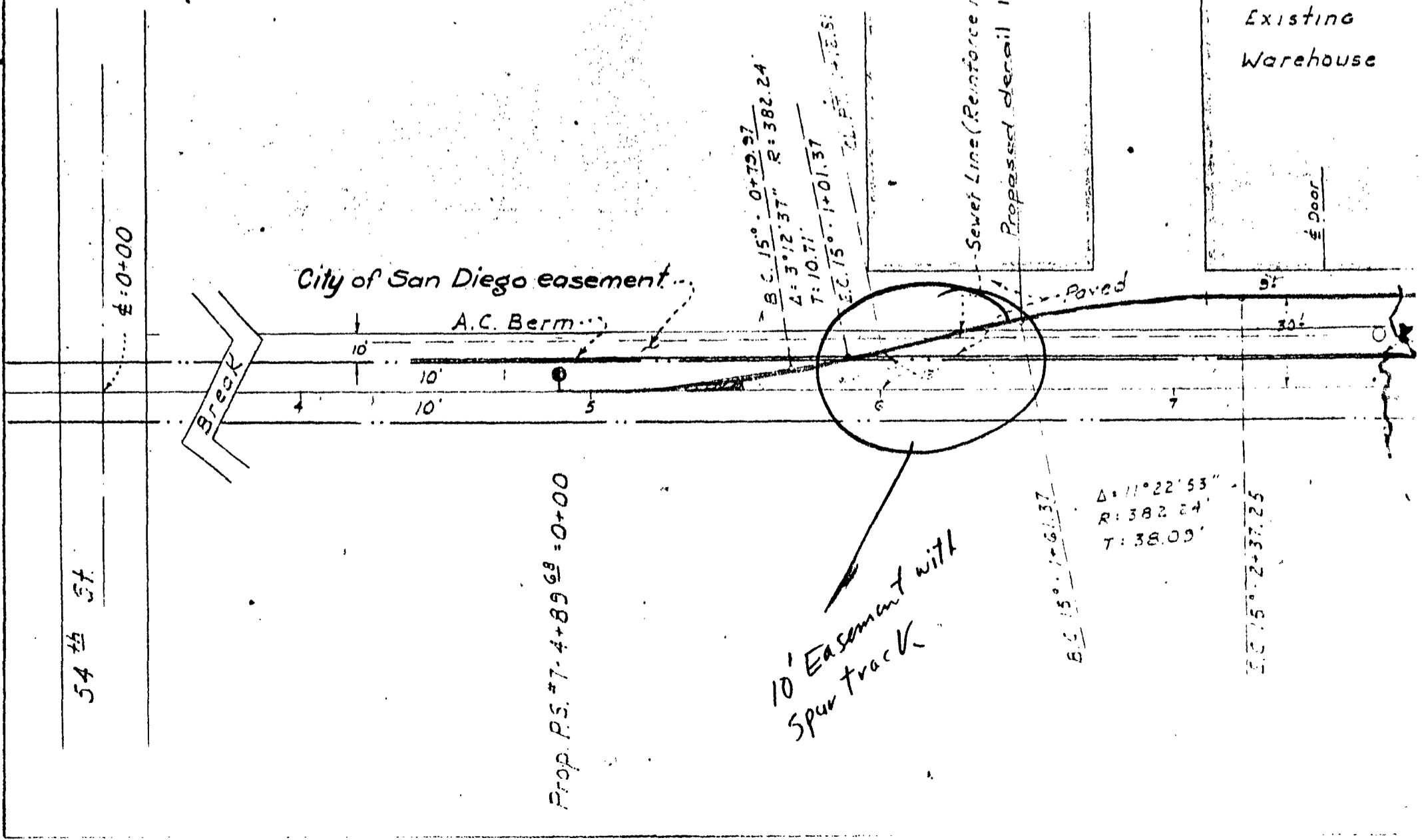
D. W. Detisch
Donald W. Detisch, Deputy

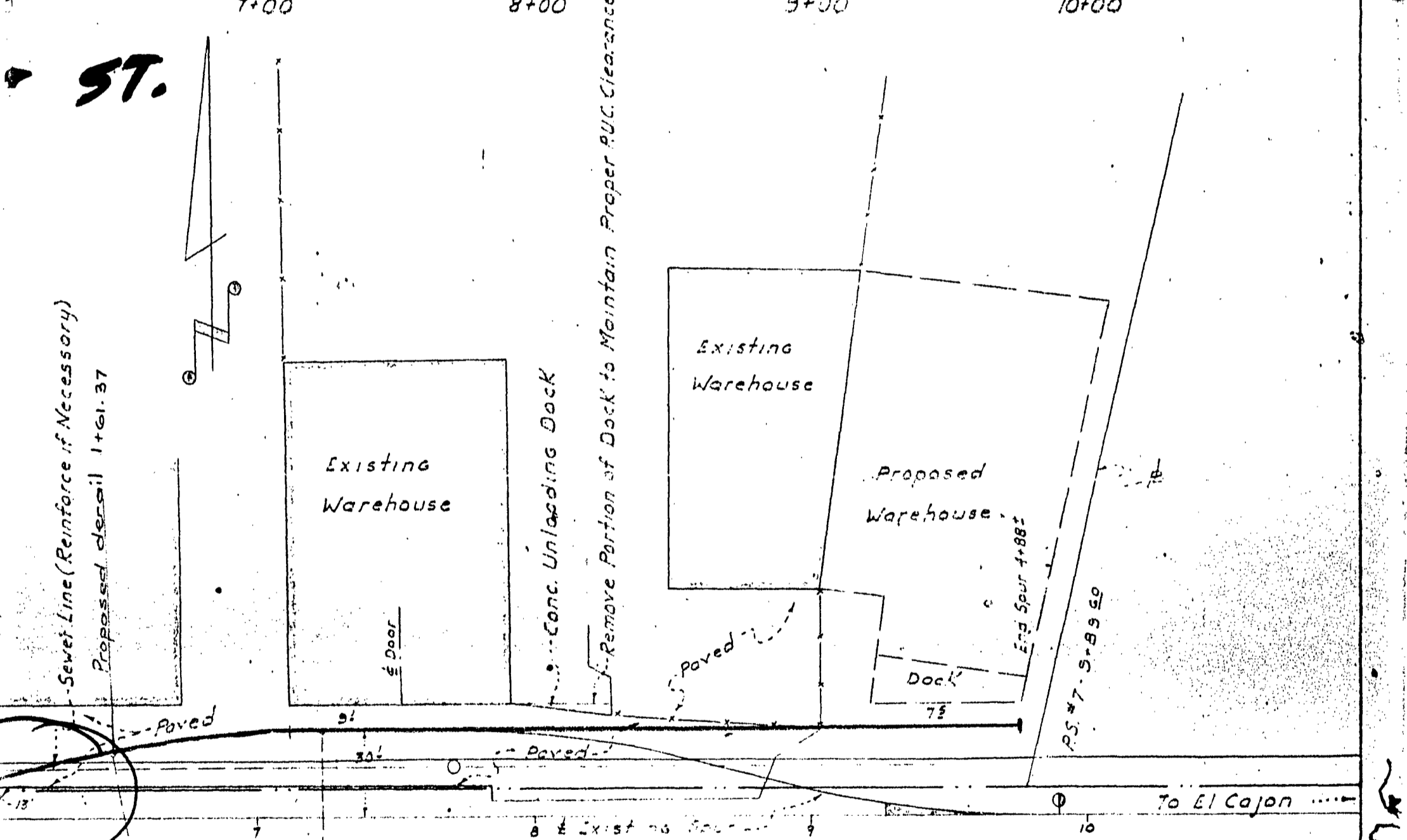
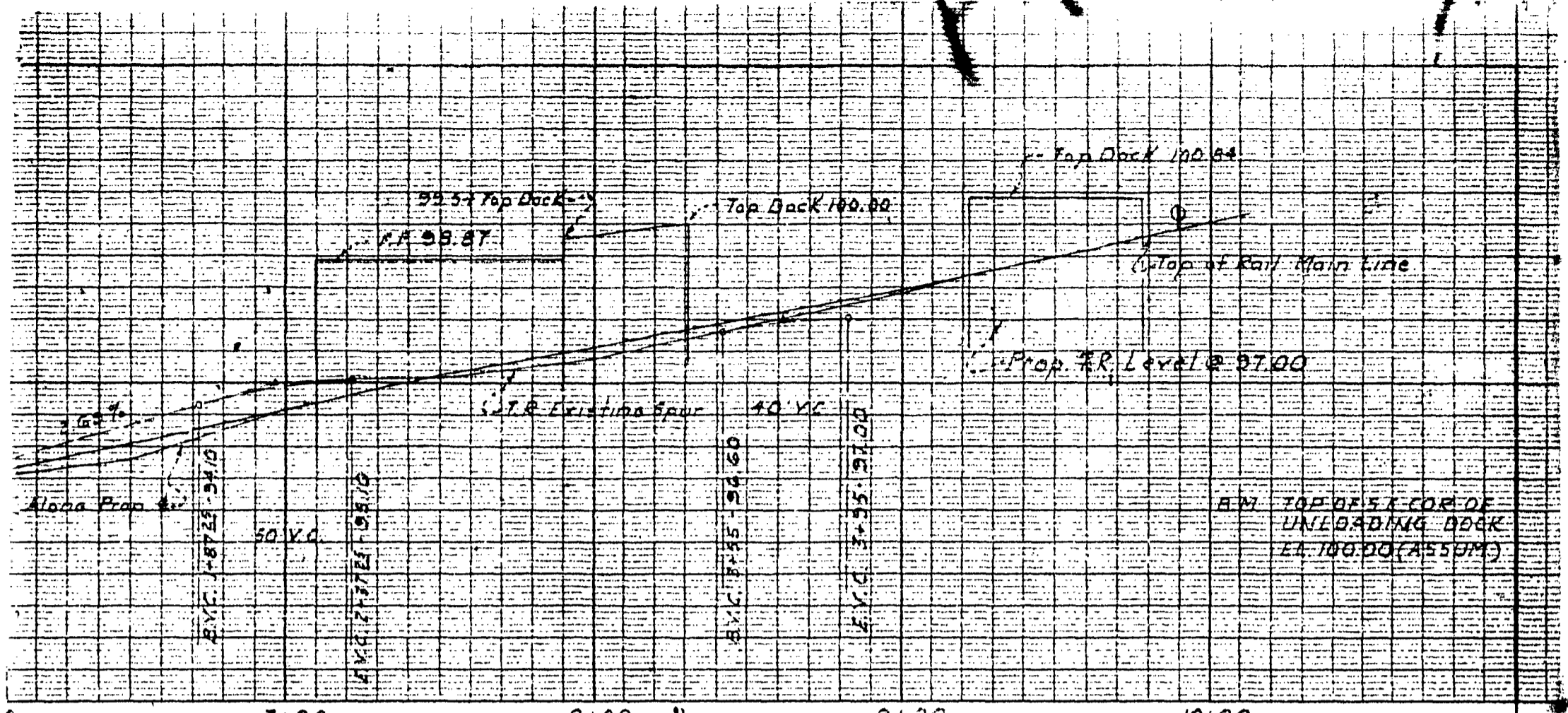
DWD:cav
8/31/73



MARKET ST.

- Legend —
- Red — Prop. Spur Track
 - Dotted — S.D. & A.E. Property Lines





with
 B.C. 15° 1+61.37
 $\Delta = 11^\circ 22' 53''$
 $R = 382.24'$
 $T = 38.09'$
 E.C. 15° 2+37.25

SAN DIEGO AND ARIZONA EASTERN RAILWAY COMPANY
 LA MESA BRANCH
 ENCANTO

PROPOSED RELOCATION OF TRackage
 SERVING DAN McKENNEY & CO.

EXHIBIT "A"

SCALE: HORIZ. 1"=40'
 VERT. 1"=4'

MAY 22, 1973

SEP 11 1973

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

RECEIVED
CITY CLERK'S OFFICE

1973 SEP -5 AM 11:03

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 Mease Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 208788 Adopted SEP 11 1973