

R. 77-560

RESOLUTION NO. 217000

OCT 27 1976

WHEREAS, Mission Gardens Annex subdivision was declared to be in default by Resolution No. 215898 in connection with certain improvements required to be constructed pursuant to an agreement on file in the office of the City Clerk as Document No. 739538; and

WHEREAS, Arthur Burgess and Berneice Burgess, two of the parties referred to as "Subdivider" in said agreement, have tendered checks totaling \$2,600.00 to be used for construction and completion of said improvements and in satisfaction of their obligations thereon; NOW, THEREFORE,

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

1. That the City Manager is authorized to accept the checks totaling \$2,600.00 from Arthur Burgess and Berneice Burgess in lieu of performance of the improvements under the subdivision agreement on file in the office of the City Clerk as Document No. 739538;
2. That the City Manager is directed to use said monies to complete the required public improvements;
3. That in the event the City administrative fees incurred pursuant to San Diego Municipal Code, Section 102.0216 for the completion and acceptance of these subdivision improvements amount to less than the \$500.00 estimated,

the difference be refunded to Arthur Burgess and Berneice Burgess;

4. That Council Resolution No. 215898 be rescinded and the aforesaid improvement agreement be terminated;

5. That the parties to said subdivision improvement agreement be relieved of their obligations;

6. That Commercial Standard Insurance Company be relieved of its obligations under its performance bonds, Nos. 115388 and 115389.

7. That the City Clerk is hereby directed to forward a certified copy of this resolution to the County Recorder to be recorded.

APPROVED: JOHN W. WITT, City Attorney

By 
C. Alan Sumption, Deputy

CAS:cj
10.1.76
841
Or.Dept.:
Eng. & Devl.

OCT 27 1976

Passed and adopted by the Council of The City of San Diego on _____,
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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 *Kathleen Martinez*, Deputy.

(Seal)

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CITY CLERK'S OFFICE
1976 OCT 15 PM 3:06
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **217000** Adopted **OCT 27 1976**