

# RESOLUTION No. 220573

(R-78-1683)

Adopted on MAR 21 1978

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

1. That the City Attorney may settle that condemnation action authorized by Resolution No. 217459, adopted January 5, 1977, entitled "The City of San Diego v. Georges E. Argoud, et al," Superior Court No. 395407, as to Parcels 1 and 4 and stipulate to a judgment therein upon the following terms:

(a) A cash settlement of \$56,500.00.

(b) A land exchange of Parcel 1 and a 38' x 180' parcel of excess City land, both of which are more particularly described in Exhibits A and B, attached hereto and made a part hereof. The justification for said exchange is this settlement and divestment of excess right of way. The approximate values of said parcels are \$7,850.00 (City parcel) and \$4,600.00 (Parcel 1). The interest to be exchanged is fee title.

2. That the Mayor and City Clerk are hereby authorized to execute a grant deed of said City land and do and take any and all necessary and usual acts to consummate the above-referenced land exchange.

APPROVED: JOHN W. WITT, City Attorney

By 

Donald W. Detisch, Deputy

MICROFILMED

DWD:rb Lit. File  
3-6-78

Orig. Dept.: City Atty.  
Aud. Cert. # 9190

01685

PARCEL 1:

The southerly 78.00 feet of the West 5 acres of the South 3/4 of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the easterly 180.00 feet.

PARCEL 1-A: (SLOPE)

An easement and right of way for earth excavation or embankment, slope or slopes and incidents thereto, over, under, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

The northerly 10.00 feet of the southerly 88.00 feet of the West 5 acres of the South 3/4 of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the easterly 180.00 feet.

EXHIBIT A

MICROFILMED

220573

01686

The northerly 34.00 feet of the East 180 feet of the South 112 feet of the West 5 acres of the South 3/4 of the East one-half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, of San Bernardino Meridian, in the County of San Diego, State of California, as shown on United States Survey.

EXHIBIT B

MICROFILMED

220573

01687

*in Executive Session*

MAR 21 1978

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

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<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*

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Kathleen Marting*, Deputy.

(Seal)

RECEIVED  
CITY CLERK'S OFFICE  
1570 MAR 22 PM 2:52  
SAN DIEGO, CALIF. MR.

Office of the City Clerk, San Diego, California

Resolution Number **220573** Adopted **MAR 21 1978**

MICROFILMED

CITY of SAN DIEGO  
MEMORANDUM

RECEIVED

Phone: 236-6220

1978 MAR 30 PM 3:10

SAN DIEGO, CALIF. *H.R.*

FILE NO. :  
DATE : March 30, 1978  
TO : City Clerk  
FROM : City Attorney  
SUBJECT: Resolution Adopted in Executive Session -  
City v. Argoud, et al., Superior Court No. 395407  
(Parcels 1 and 4)

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Please place the following notice on the first available Council docket to reflect action taken by the Council in Executive Session on March 21, 1978. The Auditor's Certificate was available to the Council in Executive Session.

SPECIAL ORDER OF BUSINESS

R 78-1683      A resolution adopted by the City Council in EXECUTIVE SESSION on Tuesday, March 21, 1978, by the following vote: Yeas- Districts 1, 2, 6, 7, 8 and Mayor Wilson; Excused/Absent-3, 4 and 5.

Authorizing the City Attorney to settle a condemnation action as to Parcels 1 and 4 in City v. Argoud, et al., Superior Court No. 395407 in the amount of \$56,500.00, together with an exchange of two parcels of excess City-owned land for Parcel 1.

Authorizing the Mayor and City Clerk to execute a grant deed granting to Georges E. Argoud and Johanna T. Argoud real property as more particularly described in said deed.

AUD. CERT. # 9190

NOTE: Pursuant to the Brown Act, it is necessary to place this resolution on a Council docket so that the official and public record will reflect the adoption of this resolution.

JOHN W. WITT, City Attorney

By *Donald W. Detisch*  
Donald W. Detisch, Deputy

DWD:rb

MICROFILMED  
220573  
01689

# CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

## 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 \$ 27,450.00 Fund 3722 Fd, Palm Ave. Assessment District

Purpose Settlement of eminent domain parcell for Palm Avenue - City v. Argoud  
Parcels 1 and 4 , Superior Court N.o 395407

W.A. Sage  
Auditor and Comptroller of  
The City of San Diego, Calif.

Date March 9, 1978

By Steve Johnson

## 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 \$ 27,450.00

Dated March 9, 1978

W.A. Sage  
Auditor and Comptroller of  
The City of San Diego, Calif.

BY Steve Johnson

Job Order  
Resolution No.  
Project No. 001032

Fund 3722 Prog./Elem. 5734 Object 3496

Purpose Same as above

Vendor Georges E. Argoud and Johanna T. Argoud

MICROFILMED

CERTIFICATE NO. 9190