

RESOLUTION NO. R-251896

MAY 27 1980

WHEREAS, Plaza de San Ysidro Unit No. 2 Subdivision was declared to be in default by Resolution No. 218206 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. 733370; and

WHEREAS, San Vicente Investments, Inc., a California corporation, the subdivider who agreed to construct said improvements, has tendered a check in the amount of \$25,000 to be used for construction and costs of completion of said improvements in satisfaction of its obligations; 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 check in the amount of \$25,000 from San Vicente Investments, Inc. in lieu of performance of the improvements under the subdivision agreement on file in the office of the City Clerk as Document No. 733370.
2. That the City Manager is directed to use said monies to complete the required public improvements.
3. That in the event that the required improvements are completed at a cost to The City of San Diego in an amount less than \$25,000, the surplus funds, if any, be returned to San Vicente Investments, Inc. upon completion and acceptance of the improvements by the City Engineer.

4. That Council Resolution No. 218206 be rescinded and the improvement agreement on file as Document No. 733370 be terminated.

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

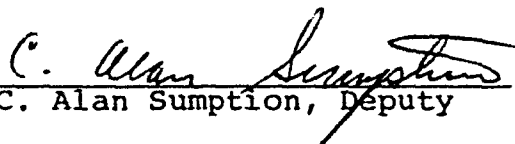
6. That General Insurance Company of America be relieved of its obligations under its performance bond No. 89-92-33.

7. That the City Attorney is authorized to dismiss the lawsuit, City of San Diego v. San Vicente Investments, Inc., et al., Superior Court No. 440894.

8. 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  
5/1/80  
Or.Dept.:  
Eng. & Devl.  
841

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MAY 27 1980

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

| Councilmen        | Yeas                                | Nays                     | Not Present                         | Ineligible               |
|-------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Bill Cleator      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Bill Lowery       | <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"/> |
| Fred Schnaubelt   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Gotch        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Larry Stirling    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Lucy Killea       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Rita Andrews, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 251896 Adopted MAY 27 1980