

RESOLUTION No. R- 253158

(R.81-586)

Adopted on NOV 24 1980

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

The Council hereby endorses the agreement between FRANK KONYN, KONYN DAIRY, and MICHAEL HORWATH, TMY FARMS, relating to the use of City-owned houses and wells in the SAN PASQUAL VALLEY, a copy of which agreement is attached hereto and by this reference incorporated herein.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:cvp:731.17
9/24/80
Or.Dept.: Property

02137

ORIGINAL

AGREEMENT

This agreement dated August 27, 1980 is entered into by Michael Horwath, TMY Farms, and Frank Konyn, Konyn Dairy, in order to resolve the water, sewer and other related problems pertaining to the City-owned houses in San Pasqual Valley. Accordingly, both of the above parties agree to accept the terms of this agreement and to carry out their responsibilities as delineated below:

TMY

1. TMY will retain houses, Nos. 1, 2, 4, 6 & 7.
2. House No. 14 will be leased to TMY on a month-to-month basis with the stipulation that the City will not terminate the lease unless the house is required in connection with the proposed Farmer's Market.
3. Two wells located on the former Proctor leasehold, one designated as well No. 12-S-1W-30R1, and the other un-numbered, located at 15050 Old San Pasqual Road, will be turned over to TMY for the purpose of supplying potable water to houses, No. 1, 2, 3, 4, 5, 6 & 7.
4. TMY will provide a back-up water supply system to all houses except 13, for a period not to exceed 30 days in the event of an emergency. After 15 days during an emergency situation TMY has the right to interrupt the water supply as necessary to water crops.
5. In the event the present litigation over ownership of well No. 13S-1W-5A2 is settled in favor of TMY and the City, TMY will continue to supply water to house No. 13 utilizing the existing waterlines.

FRANK KONYN

1. Konyn will retain houses Nos. 3, 5, 9, 10, 11, 12 & 13.
2. TMY will allow Konyn to drill a well on the TMY leasehold in close proximity to houses 9, 10, 11 & 12, to provide potable water.
3. In the event the above-mentioned well litigation is settled in favor of TMY and the City, the maintenance and electrical power costs for operating the well will be shared equally by Konyn and TMY. The electrical power costs to be shared will be computed only for the electrical connections to the well serving Konyn properties as of the date of this agreement.

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In addition to the above, the undersigned parties agree to provide plans for resolving the water and sewage problem related to the City-owned houses for which they are responsible, to the County Health Department by September 1, 1980, and further, to repair or replace defective septic tanks and to install and have operating properly the required water supply systems by October 1, 1980.

It is agreed and understood that the City of San Diego as owner of the subject property has a vested interest in said property. To the extent that any provision of this Agreement requires City approval, this Agreement is not binding on the City unless and until such approval is obtained or granted. In any event, the City's existing rights and obligations derived from the master leases between the City and TMY Farms, and the City and Frank Konyon, concerning the subject property are deemed unaltered by this Agreement.

TMY Farms

Dated: 9/27/80

By: 

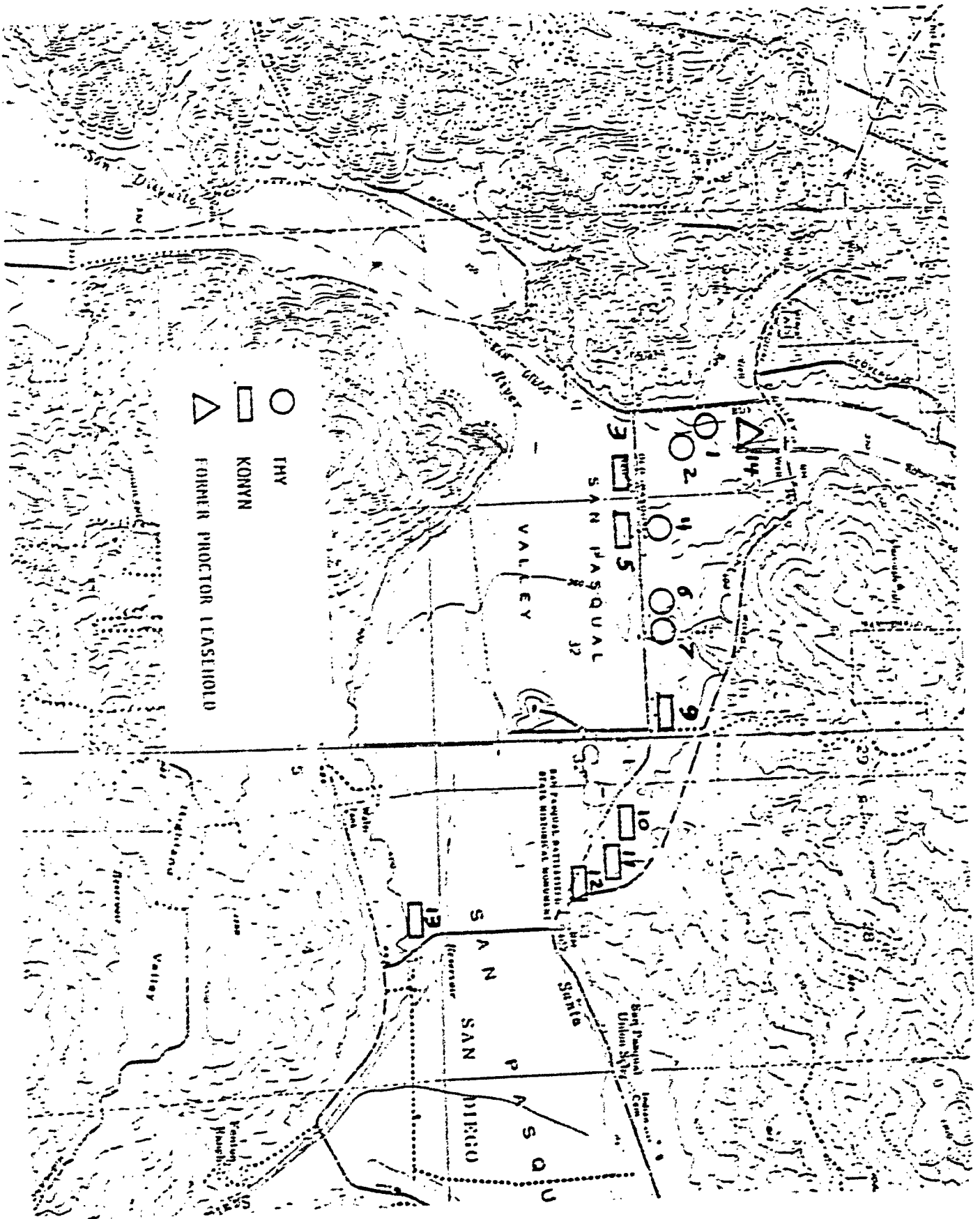
Michael Horwath

Konyon Dairy

Dated: Aug 29-80

By: 

Frank J. Konyon



NOV 24 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 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"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Raymond L. Pontreux Deputy.

Office of the City Clerk, San Diego, California

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