

RESOLUTION No. R- 255188

(R- 82-498)

Adopted on

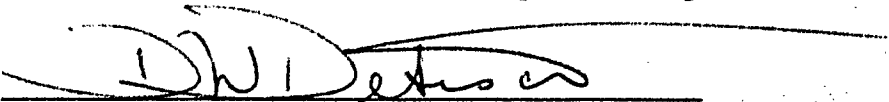
OCT 12 1981

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

That the City Attorney be and he is hereby authorized to execute the Stipulation for Judgment as to Parcels 79-1216-A, 79-1217-A, and 79-1218-A in Superior Court Case No. 456570, County of San Diego v. City of San Diego, et al. A copy of said Stipulation for Judgment is attached hereto as Exhibit A.

APPROVED: JOHN W. WITT, City Attorney

By


Donald W. Detisch, Deputy

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DONALD L. CLARK, County Counsel,
County of San Diego
Lloyd M. Harmon Jr., Chief Deputy

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By JACK LIMBER, Deputy

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355 County Administration Center, San Diego, Ca 92101
~~XXXXXXXX~~ 236-3660

SAN DIEGO, CALIF.

Attorneys for Plaintiff County of San Diego

**In The Superior Court of the State of California
IN AND FOR THE COUNTY OF SAN DIEGO**

No. 456570

COUNTY OF SAN DIEGO,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF SAN DIEGO, a)
 municipal corporation,)
 et al.,)
)
 Defendants.)

STIPULATION FOR JUDGMENT
(PARCELS 79-1216-A,
79-1217-A
AND 79-1218-A)

Plaintiff, COUNTY OF SAN DIEGO, by and through its attorneys of record, DONALD L. CLARK, County Counsel, by JACK LIMBER, Deputy, and defendant CITY OF SAN DIEGO by its attorneys JOHN W. WITT, City Attorney, by DONALD W. DETISCH, Deputy, hereby stipulate that judgment in the form attached hereto as Exhibit "A" to this stipulation regarding Parcels 79-1216-A (also referred to as 79-1221-B), 79-1217-A, and 79-1218-A may be entered in the above-entitled action, and that defendant CITY OF SAN DIEGO hereby waives trial, the right to trial, hearing on the issues, the making of service and filing of findings of fact and conclusions of law,

JL:bf

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EXHIBIT A

R-255188

1 notice of entry of judgment and the right to move for a new trial
2 or appeal on Parcels 79-1216-A, 79-1217-A, and 79-1218-A.

3 IT IS FURTHER STIPULATED as follows:

4 1. That said Parcels 79-1216-A (also referred to as 79-1221-B),
5 79-1217-A, and 79-1218-A will be used only for the purpose of the
6 construction of a public highway and street improvements.

7 2. Plaintiff agrees that it will construct and maintain
8 said public highway and street improvements in a safe and sanitary
9 condition at the sole cost, risk and responsibility of plaintiff
10 and any successor in interest.

11 3. Plaintiff agrees to at all times indemnify and save
12 defendant City of San Diego free and harmless from, and pay in full,
13 any and all claims, demands, losses, damages, or expenses that said
14 defendant may sustain or incur in any manner resulting from the
15 construction, maintenance, use, state of repair or presence of the
16 structures installed hereunder, including any loss, damage, or
17 expense arising out of (1) loss of or damage to property, and
18 (2) injury to or death of persons, excepting any loss, damage
19 or expense and claims for loss, damage or expense resulting in any
20 manner from the negligence or intentional acts of said defendant,
21 its contractors, officers, agents or employees.

22 4. That plaintiff expressly recognizes and acknowledges
23 that the defendant City will retain an easement for water line
24 purposes described in Exhibit "A" to plaintiff's complaint and
25 set forth hereinafter.
26

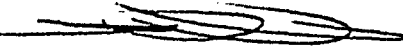
1 A perpetual easement for a right-of-way to construct, reconstruct,
2 maintain, operate and repair a water line or lines, including all
3 appurtenances thereto, through, over, along and across the following
4 described portion of Parcels 79-1216-A, 79-1217-A, and 79-1218-A:

5 A strip of land 35.00 feet in width, lying 18.00
6 feet Westerly and 17.00 feet Easterly of a line
described as follows:

7 BEGINNING at a point on the South line of said Lot 1,
8 Block 22, Map No. 817, from which the Southeasterly
9 corner bears North 89°59'00" East, 380.45 feet; thence
10 North 14°23'00" East, 1880.00 feet; more or less, to a
11 point on the Northerly line of said Lot 8, Block 7,
Map No. 817, distant South 88°32'00" East, 868.40
feet (Record 686.40 feet) from the Northwest corner of
said Lot 8.

12 The erecting of buildings, masonry walls, masonry fences and
13 other structures; the planting or growing of trees; the changing
14 of the surface grade; and the installation of privately owned
15 pipelines shall be prohibited in said easement area except by
16 written permission from the City of San Diego.

17
18 DATED: October 9, 1981. DONALD L. CLARK, County Counsel
19 LLOYD M. HARMON, JR., Chief Deputy

20 By 
21 JACK LIMBER, Deputy
22 Attorneys for Plaintiff
County of San Diego

23 DATED: October __, 1981. JOHN W. WITT, City Attorney

24 By
25 DONALD W. DETISCH, Deputy
26 Attorneys for Defendant
City of San Diego

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R-255188

DONALD L. CLARK, County Counsel,
County of San Diego
Lloyd M. Harmon Jr., Chief Deputy

By JACK LIMBER, Deputy

355 County Administration Center, San Diego, Ca 92101
~~236-3651~~ 236-3660

Attorneys for Plaintiff County of San Diego

In The Superior Court of the State of California
IN AND FOR THE COUNTY OF SAN DIEGO

No. 456570

COUNTY OF SAN DIEGO,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF SAN DIEGO, a)
 municipal corporation,)
 et al.,)
)
 Defendants.)

STIPULATED JUDGMENT
(PARCELS 79-1216-A,
79-1217-A,
AND 79-1218-A)

IT APPEARING TO THE COURT that defendant City of San Diego has stipulated that judgment as hereinafter set forth may be entered on its interests in Parcels 79-1216-A (also referred to as 79-1221-B), 79-1217-A, and 79-1218-A; that defendants David B. Martin, as an individual; Dave Martin Trucking, Inc., a California corporation; Dave Martin Truck Service, Inc., a California corporation and Dave Martin Supplies, Inc. have quitclaimed and conveyed all their interests in Parcel 79-1216-A (also referred to as 79-1221-B) to plaintiff County of San Diego by quitclaim deed recorded October 7, 1980 as Recorder's File No. 80-329098 to defendant John M. DeBevoise

1 and Betty W. DeBevoise, husband and wife, and Ernest W. Carter,
2 a widower, who in turn quitclaimed and conveyed all their interest
3 in Parcel 79-1216-A (79-1221-B) to plaintiff County of San Diego
4 by quitclaim deed recorded October 7, 1980 as Recorder's File No.
5 80-329099; that Home Federal Savings and Loan Association, trustee
6 and beneficiary, filed its disclaimer on Parcel 79-1216-A with this
7 Court on May 5, 1981; that defendants George S. Johnson and Alice
8 R. Johnson waive any rights to receive monies in conjunction with
9 the reconveyance of Parcel 79-1218-A from defendant John L. Davidson
10 to plaintiff County of San Diego by waiver signed December 10, 1980;
11 that First Centennial Title Company, Inc. as trustee reconveyed its
12 interest in Parcel 79-1218-A to defendant John L. Davidson, trustor,
13 who in turn quitclaimed and conveyed his interests in Parcel
14 79-1218-A to plaintiff County of San Diego by quitclaim deed
15 recorded July 15, 1981 as Recorder's File No. 81-221754; and it
16 appearing to be a proper case therefor;

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

18 1. That plaintiff seeks to take, acquire and condemn the
19 rights, title and interests hereinafter described in and to the
20 real property designated Parcels 79-1216-A (also referred to as
21 79-1221-B), 79-1217-A, and 79-1218-A referred to in Paragraph VI
22 of plaintiff's complaint and described in Exhibit "A" to plaintiff's
23 complaint to which description reference is hereby made, and by
24 this reference said descriptions are made a part hereof as though
25 fully set forth herein; that the condemnation and taking thereof
26 is for the public purposes set forth in the complaint herein, and

1 is necessary to such public uses.

2 2. That upon payment into Court of the total sum of
3 \$2,349.00, together with interest at the rate of seven percent
4 (7%) per annum on said sum from September 14, 1980 to the
5 date of deposit of said sum together with said interest into Court,
6 there shall be condemned to the plaintiff the hereinafter described
7 interests in said real property designated Parcel 79-1216-A,
8 79-1217-A and 79-1218-A; said sum shall be in full payment for
9 the condemnation and taking of said real property, together with
10 any and all improvements thereon pertaining to the realty and
11 for all damages of every kind and character which have accrued
12 to or will accrue to the portion of defendants' property not
13 sought to be condemned, if any, by reason of its severance from the
14 portion condemned and the construction of the improvement in the
15 manner proposed or accomplished by plaintiff. Said sum
16 shall include compensation on account of plaintiff's possession
17 of said real property prior to the entry of this judgment and shall
18 include any and all interest which may accrue on this judgment
19 up to and including thirty (30) days after entry of judgment.

20 3. That said payment as hereinabove specified shall terminate,
21 cancel and extinguish all liens, leaseholds and encumbrances of
22 whatsoever nature on said real property except as expressly
23 "excepted" or reserved therefrom. Particular reference is made
24 to the defendant City's reservation of an easement for water line
25 purposes described in Exhibit "A" to the complaint herein and
26

1 as set forth in the Stipulation for Judgment. Said sum shall be
2 paid to defendants as follows:

3 A. For Parcels 79-1216-A (also referred to as 79-1221-B),
4 79-1217-A, and 79-1218-A, the sum of \$2,349.00 together with interest
5 on said sum as hereinbefore specified as follows:

6 1. To the CITY OF SAN DIEGO, as their interests
7 may appear, the sum of \$2,349.00.

8 2. To defendants JOHN M. DeBEVOISE, BETTY W. DeBEVOISE,
9 ERNEST W. CARTER, HOME FEDERAL SAVINGS AND LOAN
10 ASSOCIATION OF SAN DIEGO, DAVID B. MARTIN,
11 DAVE MARTIN TRUCKING, INC., DAVE MARTIN TRUCK
12 SERVICE, INC., DAVE MARTIN SUPPLIES, INC.,
13 JOHN L. DAVIDSON, FIRST CENTENNIAL TITLE COMPANY,
14 GEORGE S. JOHNSON, and ALICE R. JOHNSON, the sum
15 of none.

16 4. Upon payment of the sum of \$2,349.00 into Court as herein-
17 above specified there shall be entered in favor of plaintiff
18 a Final Order of Condemnation for said parcels of real property.
19 Any amount remaining on the deposit by plaintiff after payment
20 to defendant City of San Diego for Parcels 79-1216-A, 79-1217-A,
21 and 79-1218-A shall be returned to plaintiff.

22 5. That plaintiff seeks to take, acquire and condemn
23 the fee title to Parcels 79-1216-A, 79-1217-A, and 79-1218-A here-
24 inabove referred to and described by reference to plaintiff's
25 complaint and therein designated by the same parcel numbers,
26 except as expressly "excepted" or reserved therefrom by Exhibit "A"

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to plaintiff's complaint, to which particular reference is made.

DATED: _____.

JUDGE OF THE SUPERIOR COURT

OCT 12 1981

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 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.

(Seal)

By Myrdell L. Fontenow, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255188 Adopted OCT 12 1981