

RESOLUTION NUMBER R- 257666

Adopted on DEC 14 1982

WHEREAS, by resolution adopted October 24, 1980, the City Council authorized the City Manager to enter into encroachment agreements with 21 property owners in the Sail Bay area of Mission Bay pursuant to which the property owners have been allowed to maintain existing improvements within the dedicated public park pending the development of public right-of-way improvements in the Sail Bay area; and

WHEREAS, the improvements of 14 property owners do not constitute any hindrance to the public's use of the park and the other seven encroachments constitute only minor barriers to the public utilization of the total park area; and

WHEREAS, the proposed public access improvements are scheduled for construction in fiscal years 1985 and 1986 and it is, therefore, appropriate to allow the continuance of the encroachments pending such development; and

WHEREAS, the owners of the seven encroachments which constitute actual although comparatively minor barriers to the public's use shall be required to pay encroachment fees of approximately \$15,520 per year; NOW, THEREFORE,

BE IT RESOLVED, that the City Manager is hereby authorized and empowered to execute amendments to those encroachment agreements authorized by Council Resolution R-251920 on October 24, 1980, the forms of which amendments are cumulatively on file in the office of the City Clerk as Document No. RR- 257666 .

BE IT FURTHER RESOLVED, that the proceeds from the encroachment fees shall be utilized solely and exclusively for the administration of the encroachment documents and for the improvement and operation of the Mission Bay Park.

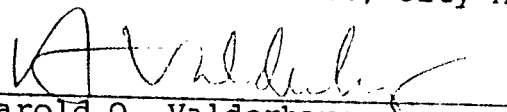
BE IT FURTHER RESOLVED, that the City Manager shall cause all of the agreements involving significant encroachments to contain a provision whereby the property owners will stipulate that the City has the right to develop the public right-of-way improvements within the dedicated parkland from allocated City funds and that the property owners shall not invoke any judicial, administrative or other process to challenge or delay the proposed improvements.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to reimburse prepaid encroachment fees on a prorata basis in the event any encroachment permit or permits is terminated pursuant to the 30-day termination provision contained in the permits.

BE IT FURTHER RESOLVED, that if any property owner fails to execute the amendment or fails to pay the specified encroachment fees, that the City Manager is directed to cause the removal of the encroaching structures or improvements pursuant to the original encroachment agreement provisions.

BE IT FURTHER RESOLVED, that the City Manager shall cause the amendments to encroachment agreement to be recorded in the office of the County Recorder.

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
11/29/82
Revised 12/20/82
Or.Dept:Pk.&Rec.
Form=r.none

Passed and adopted by the Council of The City of San Diego on DEC 14 1982,
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"/>
Susan Golding	<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"/>
Ed Struiksma	<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"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By June A. Blackwell, Deputy.

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CITY CLERK'S OFFICE
DEC 20 PM 3:12
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

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