

(R-85-1787)

RESOLUTION NUMBER R- 262930

ADOPTED ON APR 15 1985

A RESOLUTION RESCINDING ACTION OF COUNCIL IN
ADOPTING RESOLUTION NO. R-262012

WHEREAS, on November 20, 1984, the Council of The City of San Diego considered the appeal of JAMES M. SHELGER from the Planning Commission decision to grant an amendment to Planned Residential Development Permit No. 172 that had been requested by J. M. PETERS COMPANY, INC. (Owner/Permittee); and

WHEREAS, following the Council's decision to grant the appeal and to overrule the decision of the Planning Commission and to deny the requested Planned Residential Development Permit amendment, Owner/Permittee, through its attorneys, filed a petition for peremptory writ of mandate in San Diego County Superior Court, Case No. 534114; and


WHEREAS, on March 18, 1985, following hearing, the Honorable Douglas R. Woodworth, Judge of the Superior Court, granted judgment in favor of Owner/Permittee in which he granted the petition for peremptory writ of mandate, commanding the City Council to set aside its Resolution No. R-262012 and to deny the appeal of James M. Shelger and to grant Owner/Permittee's application for an amendment to Planned Residential Development Permit No. 172; and

WHEREAS, the City Council desires to implement the judgment of the court in an expeditious fashion; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that
Resolution No. R-262012 be, and the same is hereby rescinded.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

CCM:FCC:ib:632
Civil Lit. File No. 6351
04/02/85
Or.Dept:Atty.
PRD Amendment 84-0614
R-85-1787
Form=r.none

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APR 15 1985

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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" 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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-262930 Adopted APR 15 1985

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