

RESOLUTION NUMBER R- 308288DATE OF FINAL PASSAGE JUL 02 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TERMINATING THE REVOCABLE PERMIT AGREEMENT WITH BEAVER INVESTMENT CORPORATION AND MILAN L. BRANDON INVOLVING OLIVE PARK AND AUTHORIZING AND DIRECTING THE PARK AND RECREATION DEPARTMENT DIRECTOR TO SEND THE REQUIRED WRITTEN NOTICE OF THE REVOCATION AND TO ENFORCE SECTION 8 OF THE REVOCABLE PERMIT AGREEMENT BY REQUIRING THE REMOVAL OF IMPROVEMENTS BY PERMITTEES

WHEREAS, the City of San Diego (City) is the owner of certain real property known as Olive Park located on the extension of Olive Street between Second Avenue and Third Avenue within the limits of the City; and

WHEREAS, in 1963, the Beaver Investment Corporation (Beaver), a California corporation, and Milan L. Brandon (Brandon), an individual, hereinafter jointly referred to as "Permittees," were owners of Lots "F" and "G", Block 325, Horton's Addition, which is immediately adjacent to, and north of, Olive Park (Brandon Property); and

WHEREAS, on June 11, 1963, the City and Permittees executed the Revocable Permit Agreement filed on June 14, 1963 with the Office of the City Clerk as Document No. 656801; and

WHEREAS, pursuant to the Revocable Permit Agreement, the Permittees agreed to landscape, develop, and maintain Olive Park as a public park in exchange for the City's permission to use Olive Park for purposes of ingress and egress to the Brandon Property; and

WHEREAS, the City's Park and Recreation Department recently acquired property for park purpose immediately adjacent to the south of Olive Park and would like to combine such

properties to create a larger public park under the control and direction of the Park and Recreation Department; and

WHEREAS, pursuant to Section 7 of the Revocable Permit Agreement, this permit and all privileges given thereunder are revocable at the will of the City at any time by a resolution to that effect adopted by the City Council, followed by sixty (60) days written notice of said revocation sent to Permittees by the Director of the Park and Recreation Department; and

WHEREAS, pursuant to Section 8, upon revocation of the Revocable Permit Agreement by City, Permittees are legally obligated to remove those facilities and improvements in Olive Park made by Permittees as requested in writing by the Director of the Park and Recreation Department and in the event that Permittees fails to do so after such written request, Permittees are obligated to repay the City the total cost of the removal of said facilities and improvements; and

WHEREAS, on May 22, 2013, the Council Committee on Land Use and Housing voted to move forward to the full Council the recommendation that the Revocable Permit Agreement be terminated with direction to the Director of the Park and Recreation Department to require Permittees to remove all improvements in Olive Park made by Permittees pursuant to the terms of the Revocable Permit Agreement; NOW, THEREFORE,

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


1. That the City Council revokes the Revocable Permit Agreement on file with the Office of the City Clerk as Document No. 656801 and all privileges given thereunder, in accordance with Section 7 of the Revocable Permit Agreement.

2. That the Mayor through the Park and Recreation Department Director is authorized and directed to send the required sixty (60) days written notice of the revocation of

the Revocable Permit Agreement in accordance with Section 7 of the Revocable Permit Agreement.

3. That the Mayor through the Park and Recreation Department Director is authorized and directed to enforce Section 8 of the Revocable Permit Agreement, by requiring Permittees to remove all improvements in Olive Park made by Permittees.

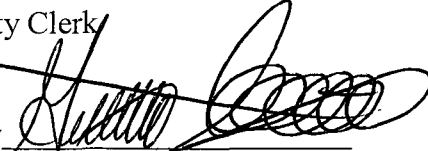
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Kenneth R. So  
Deputy City Attorney

KRS:nja  
06/06/13  
Or.Dept: Real Estate Assets  
Doc. No. 569817\_4

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 18 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/2/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

JUN 18 2016

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

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Date of final passage JUL 02 2013

AUTHENTICATED BY:

BOB FILNER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>308288</u>