(R-85-299)

RESOLUTION NUMBER R- 261684

ADOPTED ON OCT 8 1984

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and directed to increase the rates charged for spur track agreements in various City-owned rights-of-way to $288 per year, commencing October 1, 1984, for each spur track agreement as listed on Exhibit A attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By _____
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
8/13/84
Or.Dept:Prop.
Job:217624
Form=r.none

EXHIBIT A

SPUR TRACK AGREEMENTS
July 1984

	Permittee	Location	Resolution Document	Existing Annual Rent Since 10/1/79	Property Code	Adjusted Annual Rent Eff. 10/1/84
1.	Teachout, Floie	Commercial St. between 28th & 29th Sts.	R-120823	$200	SDA-F #017	$288
2.	Bernardini, Albert P.	Commercial St. at 21st St.	R-113402	$200	SDA-F #011	$288
3.	Pacific Soap Co.	Union St. Between Market St. & Island Ave.	D-127864	$200	SDA-F #052	$288
4.	Champion Int. Corp. U.S. Plywood Div.	Colton Ave. west of 28th St.	R-104790	$200	SDA-F #012	$288
5.	Container Corp. of America	Commercial St. at 30th St.	R-82839	$200	SDA-F #005	$288
		AT&SF Railroad Agreements				
6.	AT&SF	A Street	D-82450	$200	SDA-F #031	$288
7.	AT&SF	Atlantic St. at E & F Sts.	D-232294	$200	SDA-F #044	$288
8.	AT&SF	California St. between F & G Sts.	D-57107	$200	SDA-F #033	$288
9.	AT&SF	F & California Sts.	D-328230	$200	SDA-F #034	$288
10.	AT&SF	1st. Ave. across Island Ave.	D-465877	$200	SDA-F #030	$288
11.	AT&SF	Across Harasthy St. (Washington Ave.) & Pacific Hwy.	D-336042	$200	SDA-F #037	$288

SPUR TRACK AGREEMENTS
July 1984

	Permittee	Location	Resolution Document	Existing Annual Rent Since 10/1/79	Property Code	Adjusted Annual Rent Eff. 10/1/84
		AT&SF Railroad Agreements - Continued				
12.	AT&SF	1st Ave. - Market St. to J St.	D-57108	$200	SDA-F #042	$288
13.	AT&SF	India St. east of Market St.	D-357512	$200	SDA-F #039	$288
14.	AT&SF	Island St. between Front St. & 1st Ave.	D-511350	$200	SDA-F #040	$288
15.	AT&SF	Kurtz St. between Bean & Sutherland Sts.	D-323838	$200	SDA-F #041	$288
16.	AT&SF	Nutmeg St. between Pacific Hwy. & California St.	D-424330	$200	SDA-F #043	$288
17.	AT&SF	Sampson St. at 22nd St.	D-352974	$200	SDA-F #045	$288
18.	AT&SF	7th St. between Island Ave. & Imperial Ave.	D-57110	$200	SDA-F #015	$288
19.	AT&SF	Winder St. at Kurtz St.	D-167630	$200	SDA-F #014	$288
20.	AT&SF	7th St. across J St.	D-339616	$200	SDA-F #016	$288
		San Diego & Arizona Eastern Railway Agreements				
21.	S.D. & Arizona Eastern	Commercial St. at 31st St.	Ord. 964 D-030167	$200	SDA-F #021	$288

SPUR TRACK AGREEMENTS
July 1984

	Permittee	Location	Resolution Document	Existing Annual Rent Since 10/1/79	Property Code	Adjusted Annual Rent Eff. 10/1/84
	San Diego & Arizona Eastern Railway Agreements - Continued					
22.	S.D. & Arizona Eastern	Across 1st, 2nd, 3rd Aves. & J St.	D-162574	$200	SDA-F #024	$288
23.	S.D. & Arizona Eastern	Commercial St. between 30th & 32nd Sts.	D-549696	$200	SDA-F #027	$288
24.	S.D. & Arizona Eastern	L St. between 13th & 15th Sts.	D-554701	$200	SDA-F #028	$288

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CB

ACCEPTANCE OF ASSIGNMENT

CONTAINER CORPORATION OF AMERICA hereby acknowledges that it has been assigned the interest of Mrs. Marion A. Phillips at 3005 Commercial Street, San Diego, CA. It is hereby agreed that Container Corporation of America accepts the permission for use of a spur track located in the Commercial Street right-of-way subject to all terms and conditions of that certain Permit issued to Dixie Lumber and Supply Company on March 26, 1946 as Resolution 82839, City Clerk Document No. 360486.

CONTAINER CORPORATION OF AMERICA

Date October 11, 1974 BY: [signature]

Date October 11, 1974 BY: [signature]

DIXIE LUMBER

RESOLUTION NO. 82839 Doc 360486

A RESOLUTION GRANTING TO DIXIE LUMBER AND SUPPLY COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE AND MAINTAIN RAILWAY TRACKS FOR A STEAM RAILWAY OVER AND ACROSS CERTAIN STREETS IN THE CITY OF SAN DIEGO, CALIFORNIA.

WHEREAS, Dixie Lumber and Supply Company, a corporation, did on the 14th day of March, 1946, file its application with the Council of The City of San Diego, requesting permission to construct, maintain and operate railway tracks for a steam railway upon, along, over and across the public streets in The City of San Diego, hereinafter described; and it appearing to the satisfaction of the Council that the operation and maintenance of said railway tracks will promote the interests and welfare of The City of San Diego; NOW, THEREFORE,

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

Section 1. That permission be, and the same is hereby granted to Dixie Lumber and Supply Company, a corporation organized and existing under the laws of the State of California, its successors and assigns, to construct, maintain and operate railway tracks for a steam railway, upon, along, over and across the public streets of The City of San Diego, hereinafter described; subject, however, to all the conditions and restrictions provided by law made, or to be made in such cases, and to all rights of private ownership.

Said railway tracks shall be constructed, maintained and operated upon the following route: The center line of said track is described as follows:

Commencing at a point in Commercial Street located east 103.44 feet and south 31.26 feet from the intersection of the easterly line of 20th Street with the northerly line of Commercial Street, which point is in the center line of existing branch line of the San Diego & Arizona Eastern Railway Company; thence west 29.37 feet; thence north 81° 50' west 40.0 feet; thence on a curve concave to the right with a radius of 382.25 feet a dis-

tance of 21.44 feet; thence north 78° 37' west 30.0 feet; thence on curve concave to the left with a radius of 382.25 feet, a distance of 75.75 feet; thence west 86.44 feet terminating at a point west 100.0 feet and south 8.5 feet from intersection of westerly line at 20th Street with the northerly line of Commercial Street.

Said railway tracks shall be maintained and operated upon the following terms and conditions, to-wit:

First: That said railway tracks shall be maintained in such manner as to cause the least possible obstruction to ordinary public travel along or across the same, and no cars shall be allowed to remain on said railway tracks for a longer period of time than is necessary to expeditiously load or unload the same.

Second: That said railway tracks shall be kept and maintained at the official grade of the streets over which the same shall pass, as such official grade is now or may hereafter be established or changed; and the City hereby reserves the right to grade, curb, sewer, macadamize, pave, gutter, culvert, or otherwise improve or repair or reimprove any part of said streets over which said railway tracks are laid, and to lay or relay pipes for water, gas, electrical conduits, sewers, or other purposes.

Third: Said Dixie Lumber and Supply Company shall be liable for all damages which may be adjudged in favor of the owners of property or other persons because of the granting of this permit, or the construction of said tracks.

Fourth: The rights and privileges granted by this resolution are made upon the further condition that said railway tracks shall at all times be subject to regulation of the Council of said City. That nothing herein contained shall be so construed as to prevent the Council from altering, amending or repealing this grant, or amending or repealing this resolution

in any and all respects.

Fifth: That the permission granted by this resolution shall be revocable at the will of the Council of said City."

Section 2. The above permission is granted upon the further express condition that said Dixie Lumber and Supply Company shall pay to The City of San Diego the sum of twenty-five dollars ($25.00) per year, payable in advance, as rental for each year that said railway tracks are in place. This rental shall be subject to change at the pleasure of said Council.

Section 3. Failure on the part of said Dixie Lumber and Supply Company to conform to any or all of the provisions of this resolution shall operate as an immediate forfeiture of the privileges herein granted.

Passed 4 March 1916

Presented by J. R. Rhodes

Approved as to form by J.F.DuPaul, City Attorney.

By [illegible]
Assistant City Attorney.

DIXIE LUMBER COMPANY

RENT: $25.00 per year

RES. NO. 82839 (We do not have copy of this)

TERM: 25 YR. 9-1-46 ending at Pleasure of Council

DOC. NO.:

PURPOSE: SPUR TRACK