



Real Estate Assets Department
SDC003

Document Type

LEGAL DOCUMENTS



Sub - Category

AGREEMENTS



PY-1078 (REV. 3-73)

336042

DOCUMENT 336488 RESOLUTION NO. 76308 ORDINANCE NO. _____

TERM: Indefinite BEGINNING 2/24/42

LEGAL DESCRIPTION:

Across Harasthy (Washington)
& Pacific

PROPERTY FILE CODE: SDA-F

SIZE: #037

DRAWING NO. _____

PURPOSE: Spur track

REMARKS: rent eff. 10-1-84

RENT: \$28800 PER ~~MONTH~~ YR ~~AND~~ XXX

CREDIT FUND 100 ACCOUNT 72290

BILLED ON Sept. 15 FOR PERIOD IN ADV ~~XXX~~ PENALTY: 5% AFTER Oct. 1 10% AFTER 15 DAYS

CONTACT Bill Tyler

ADDRESS 1342 Crosby St. SD ZIP 92103 PHONE (619) 699-4064

(NAME OF LESSEE)

(BRIEF LEGAL)

(EXPIRATION DATE)

AT & SF/12

(Washington) & Pacific

NONE

SPUR

A RESOLUTION GRANTING TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY PERMISSION TO INSTALL, MAINTAIN AND OPERATE A SPUR TRACK IN AND ALONG HARASTHY STREET AND PACIFIC HIGHWAY, IN THE CITY OF SAN DIEGO, CALIFORNIA.

WHEREAS, The Atchison, Topeka and Santa Fe Railway Company did on the 4th day of February, 1942, file its petition with the Council of The City of San Diego, California, requesting permission to construct, maintain and operate a spur track at grade across Harasthy Street and Pacific Highway, in said City; and it appearing to the satisfaction of the Council that the operation and maintenance of said spur track 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 The Atchison, Topeka and Santa Fe Railway Company to construct, maintain and operate a spur track, at grade, across Harasthy Street and Pacific Highway, in The City of San Diego, California, at the location and in the manner shown and described upon print of Division Engineer's Drawing No. 14-14317, dated January 28, 1942, attached to and made a part of said petition, which said petition and print are on file in the office of the City Clerk bearing Document No. 336042, upon the following terms and conditions, to-wit:

First: That said spur track shall be kept and maintained at the official grade of such 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 spur track may be laid, and to lay down or

relay pipes for water, gas, electrical conduit, sewers or other purposes.

Second: The installation or construction of said spur track shall be strictly in accordance with the provisions of the order of the Railroad Commission of The City of San Diego, dated February 10, 1942, and designated as "Decision No. 35023."

Third: That all cars shall be operated upon such spur track 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 spur track for a longer period of time than is necessary to expeditiously load or unload the same.

Fourth: The rights and privileges granted by this resolution are made upon the further condition that said spur track shall be at all times 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 said The City of San Diego shall have the right to use said spur track at any time, without cost to said City.

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

Section 2. It is expressly provided that nothing herein contained shall be construed to extend the permit or time of any franchise heretofore granted either to petitioner or to any other company.

Section 3. The above permission is granted upon the further express condition that said The Atchison, Topeka and Santa Fe Railway Company shall pay to The City of San Diego the sum of Fifty Dollars (\$50.00) per year, payable in advance, as

rental for each year that said spur track is in place. This rental shall be subject to change at the pleasure of said Council.

Section 4. Failure on the part of said The Atchison, Topeka and Santa Fe Railway Company to conform to any or all of the provisions of this resolution shall operate as an immediate forfeiture of the privileges herein granted.

ORDINANCE No.	RESOLUTION No. 76308
ADOPTED	FEB 24 1917
FRED W. SICK, CITY CLERK	
By	<i>August M. Hadstrom</i> Deputy

Presented by _____

Approved as
to form by JACOB WEINBERGER
City Attorney.

By _____
Assistant City Attorney.

Off Doc #326935
Res. # 76308

Spur Track franchise
permit to Santa
Fe Ry Co.
2-24-47