

(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

	<u>Permittee</u>	<u>Location</u>	<u>Resolution Document</u>	<u>Existing Annual Rent Since 10/1/79</u>	<u>Property Code</u>	<u>Adjusted Annual Rent Eff. 10/1/84</u>
Sum 9/84 1.	Teachout, Floie	Commercial St. between 28th & 29th Sts.	R-120823	\$200	SDA-F #017	\$288
Sum 9/84 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 20th St.	R-82839	\$200	SDA-F #005	\$288
<u>AT&SF Railroad Agreements</u>						
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

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<u>AT&SF Railroad Agreements - Continued</u>					
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. be- tween Front St. & 1st Ave.	D-511350	\$200	SDA-F #040	\$288
15. AT&SF	Kurtz St. be- tween Bean & Sutherland Sts.	D-323838	\$200	SDA-F #041	\$288
16. AT&SF	Nutmeg St. be- tween Pacific Hwy. & Cali- fornia 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
<u>San Diego & Arizona Eastern Railway Agreements</u>					
21. S.D. & Arizona Eastern	Commercial St. at 31st St.	Ord. 964 D-030167	\$200	SDA-F #021	\$288

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	<u>San Diego & Arizona Eastern Railway Agreements - Continued</u>					
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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RESOLUTION NO. _____

A RESOLUTION GRANTING TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION, PERMISSION TO INSTALL, MAINTAIN AND OPERATE A SPUR TRACK IN AND ACROSS SAMPSON STREET, IN THE CITY OF SAN DIEGO, CALIFORNIA.

WHEREAS, The Atchison, Topeka and Santa Fe Railway Company, a corporation, did on the 24th day of February, 1945, 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 in and across Sampson Street, 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, a corporation, to construct, maintain and operate a spur track at grade, in and across Sampson Street, in The City of San Diego, at the location and in the manner shown and described upon print, entitled, "The A. T. and S. F. Ry. Co. Coast Lines Los Angeles Division. Division Engineer's Drawing No. L-14-15396 (Sheet 2 of 2) Franchise Map for Pro. Industry Lead Across Sampson Street at (22nd St.) San Diego, Calif," 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. 352449, upon the following terms and conditions:

First: That said spur track shall be kept and maintained at the official grade of such street 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 street 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: 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.

Third: 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.

Fourth: That said The City of San Diego shall have the right to use said spur track at any time, without cost to said City.

Fifth: 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 One hundred and no/100 dollars (\$ 1.00) 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, To-

peka 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.

Presented by J. B. Harder

Approved as
to form by J. D. Paul
City Attorney.