

442

907 file

Resolution No. 492
Approving Underground Crossing Agreement with S.D.&A.E.Ry.Co.
and Directing its Execution

Whereas, the City of Chula Vista, California, is proposing to purchase the following described property from the San Diego Trust & Savings Bank, to-wit:

Lot 26 of Quarter Section 137 of Rancho de la Nacion, as per map thereof filed in the Office of the Recorder of the County of San Diego, State of California, excepting therefrom that certain portion thereof lying within the Right-of-Way of the San Diego and Arizona Railroad, as said Right of Way is described in a deed recorded in Book 789, Page 25, Deed Records of the said County; all of which property is situated in the County of San Diego, State of California;

Whereas, said purchase is about to be consummated;

Whereas, it is essential that in the development of said property as a Playground and Recreation Center that certain improvements be made by the said City at or adjacent to the intersection of Third Avenue and Alma Street to the end that proper drainage facilities be provided thereat;

Whereas, the San Diego & ~~Eastern~~ Arizona Eastern Railway Company is the owner of a Right-of-Way across said Lot 26 at or near said intersection and at the point where said improvements should be made;

Whereas, the said Railway Company has transmitted to the Engineer of said City a certain Underground Crossing Agreement dated August 20 1937 executed by the President and General Manager of said Railway Company, and which Agreement executed in duplicate is on file in the Office of the City Clerk of said City;

Whereas, by the execution of said Agreement by said City, said Improvements may be made when and if said City enters into said Agreement with said Railway Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, AS FOLLOWS, TO-WIT:

That said Underground Crossing Agreement be, and the same is hereby approved;

That upon its execution by the proper Officials of said City the same shall be in full force and effect;

That upon the passing of title of said property from the said Bank to the said City, the Mayor of said City shall thereupon, and he is hereby authorized to, execute in duplicate said Agreement with said Railway Company for and on behalf of said City; that thereupon the same shall be attested by the said City Clerk; that thereupon the said City Clerk shall transmit one of said Executed copies to the said Railway Company.

PASSED, ADOPTED, AND APPROVED this 7th day of September 1937, by the following vote, to-wit:

AYES	COUNCILMEN	Bryant, Boltz, Brown, Howe and Timmons.
NOES	COUNCILMEN	None.
ABSENT	COUNCILMEN	None.

C. V. Brown
(C. V. Brown)
Mayor of the City of Chula Vista, California

ATTEST:

R.A. Figgs
(R.A. Figgs)
City Clerk of the City of Chula Vista, California