

RESOLUTION NO. 25265

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ACQUISITION OF THE REMILLARD-DANDINI PROPERTY PURSUANT TO THE VERDICT OF THE JURY IN CITY OF SAN JOSE VS. REMILLARD-DANDINI COMPANY, ET AL, SANTA CLARA COUNTY CIVIL ACTION NO. 126736, AND AUTHORIZING DEPOSIT OF MONEY IN COURT ON THE DATE THE INTERLOCUTORY JUDGMENT OF CONDEMNATION IS SIGNED AND FILED IN SAID ACTION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

WHEREAS, the City of San Jose has previously filed an action in eminent domain, that is, City of San Jose vs. Remillard-Dandini Company, et al, Santa Clara County Civil Action No. 126736, to acquire certain real property in the vicinity of Story Road and Lucretia Avenue for a garbage disposal site, together with rights of way for roadways to said site, which said real property is specifically described in the complaint in said action; and

WHEREAS, the jury in said action has awarded the amount of \$289,000.00 to the defendants in said action for the taking of said real property by the City and for any and all damages, including severance damages, accruing to said defendants by such taking; and

WHEREAS, in the event City does not desire to acquire said real property and abandons its said eminent domain action, it will be required to pay the defendants their costs and disbursements which shall include all necessary expenses incurred in preparing for trial and during trial and reasonable attorneys' fees; and

WHEREAS, in the event the City desires to acquire said real property, the City of San Jose will be required to deposit the said amount of \$289,000.00 for the benefit of said defendants on the day the Interlocutory Judgment of Condemnation is signed and filed in said action, otherwise City will be required to pay the defendants interest on the said sum of \$289,000.00 at the rate of 7% per year from the date

of said Interlocutory Judgment of Condemnation;

NOW, THEREFORE, the Council of the City of San Jose hereby approves the acquisition of said real property pursuant to the verdict of the jury in the said action in eminent domain, and the Interlocutory Judgment of Condemnation to be based thereon, and the Council of the City of San Jose hereby authorizes the said sum of \$289,000.00 properly appropriated from the following funds, to wit: \$64,700.00 from the 1957 Public Works Yards Bond Fund, \$224,300.00 from the Sales Tax Improvement Fund, to be deposited in court the day the Interlocutory Judgment of Condemnation in said action is signed and filed, for the taking of said real property by City and for any and all damages, including severance damages, accruing to said defendants by such taking.

ADOPTED this 24th day of February, 1964, by the following vote:

AYES: Councilmen - Doerr, Fischer, Shaffer,  
Solari, Pace, and Welch

NOES: Councilmen - None

ABSENT: Councilmen - Hathaway

Robert Welch  
Mayor

ROBERT I. WELCH

ATTEST:

Francis L. Greiner

FRANCIS L. GREINER  
City Clerk