

Ordinance No. 153

Granting Permission to
K. O. Sessions right to
use certain lands, City
Park for "Experimental
Nursery."

O. 3 - 146

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Ordinance No^o 153

An Ordinance granting permission to K. O. Sessions the right to use and occupy certain lands of the City Park hereinafter described, for the purpose of establishing an experimental nursery and garden and for the development and cultivation of said City Park for a period of not exceeding ten years, with Water privileges as herein after mentioned.

Be it ordained by the Common Council of the City of San Diego as follows:-

Section 1. That K. O. Sessions have and she is hereby given permission to use and occupy for a term of not exceeding ten (10) years the following described portion of the City Park, to wit:-

Beginning at a point on the North line of the City Park two hundred (200) feet east of the corner common to said park and Pueblo Lots 1132, 1123, and 1124; thence east along the North line of said park nine hundred (900) feet; thence south fifteen hundred and fifty (1550) feet; thence west nine hundred (900) feet; thence west nine hundred feet distant and parallel with the west line of the said park fifteen hundred and fifty (1550) feet to the point of beginning; containing thirty-two and two- one hundredths ($32\frac{2}{100}$) acres. For the purpose of establishing an experimental nursery and garden and for the developement (sic) and cultivation of said City Park: Upon the following Conditions and limitations, to wit:-

I.

That the said K. O. Sessions shall only use said land for the cultivation of ornimental trees, shrubs, palms, plants and flowers.

II.

That the said K. O. Sessions will annually plant upon the land, for the use of the City one hundred (100) choice and varied sorts of trees and care for the same while occupying said land; and will also furnish annually to the City three

hundred (300) ornamental trees, in crocks or boxes to be used by the City in Park, Street, Plaza, or Schoolground planting.

III.

That said City shall be at no expense for fencing or piping water on said land.

IV.

That said grounds shall be at all times open to the public (on foot).

V.

That said City shall have the right at any time to lay out driveways, roads, or boulevards through said land in use, upon giving the said K. O. Sessions ~~thirty~~ ^{sixty} ⁶⁰ (30) days Notice to remove all plants, trees, shrubs and flowers necessary for the construction and use of said driveways, roads or boulevards.

VI.

That should the City at any time repeal this ordinance the said K. O. Sessions shall have the right to remove all plants and trees, other than those set out for the City, and all improvements such as fences, piping and nursery houses.

VII.

That said City shall furnish and supply water free of charge to be used on said land in quantities sufficient for the proper cultivation thereof, ~~as long as the lease between the City and the San Diego Water Company during the pleasure of the Common Council. of date the 18th day of April, 1897, is in force and effect and only upon the aforesaid conditions.~~

Amended

VIII.

That the said K. O. Sessions shall have the right and privilege to cultivate and grow upon said land, in addition to the plants and trees furnished as aforesaid to the City, plants and cut flowers for sale.

Section 2. That the failure to comply with any of the above conditions shall work a forfeiture of the rights and privileges granted thereby.

Section 3. That the Common Council reserves the right to repeal amend or modify this ordinance, and in the event of such action by the said Common Council the said

K. O. Sessions to have a reasonable Notice, not exceeding six months, to remove from said premises, all plants and trees (other than those set out for the City) and all improvements such as fences, piping and nursery houses.

Section 4. That said land and improvements made thereon in accordance with the provisions of this ordinance shall at all times be under the control and supervision of the Board of Public Works, whose duty it shall be to see that the conditions and limitations contained in the ordinance are enforced and complied with by the said K. O. Sessions.

Section 5. That the rights and privileges hereby granted to said K. O. Sessions shall not be transferred or assigned.

Section 6. That this ordinance shall take effect and be in force from and after its passage and approval and one publication in the San Diego Daily Sun.

Passed approved and adopted by the Board of Delegates of the City of San Diego, California, this 8th day of February 1892, and signed in open session thereof by the President the 15th day of Feb. 1892.

H. H. Williams

President of the Board of Delegates

Passed, approved and adopted by the Board of Aldermen of said City this 9th day of February, 1892, and ^{signed} in open session thereof, by the President the 9th day of February, 1892.

S. Levi

W. J. Prom--

President of the Board of Aldermen

Approved this 16th day of Feb. 1892

M. Sherman

Mayor of the City of San Diego

Attest

K. J. Ware

City Clerk

I hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 153 of the City of San Diego, California, adopted February 9, 1892.

Charles G. Abdelnour
City Clerk of the City of
San Diego

[SEAL]

By _____ Deputy

Ordinance No 153
Granting the use of
Certain Land of the
City Park to K. O. Sessions

Adopted by the Board of
Delegates Feby 8th 1892.

Adopted by the Board of
Aldermen Feby 9th 1892.
