

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER RA-04247

DATE OF FINAL PASSAGE APR 03 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE PAYMENT OF THE ATTORNEY'S FEES AND COSTS IN THE MATTER OF *HARVEY FURGATCH V. SAN DIEGO UNIFIED PORT DISTRICT*, SUPERIOR COURT CASE NO. GIC 775242

WHEREAS, the Redevelopment Agency of the City of San Diego [the "Agency"] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project Area [the "Project"]; and

WHEREAS, The Centre City Development Corporation [the "Corporation"] is responsible for implementing redevelopment in the Project; and

WHEREAS, Harvey Furgatch filed a lawsuit against the San Diego Unified Port District [the "Port"] seeking to terminate the Purchase and Sale Agreement on Tailgate Park between the City of San Diego [the "City"] and the Port; *Harvey Furgatch v. San Diego Unified Port District*, San Diego Superior Court Case No. GIC 775242; and

WHEREAS, the City joined the lawsuit as an interested defendant; and

WHEREAS, the Superior Court has ruled that the City and Port are liable for the payment of plaintiff's attorney's fees and costs; and

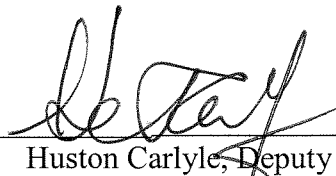
WHEREAS, the City has requested the Agency pay the City's portion of the attorney's fees and costs; and

WHEREAS, the Agency wishes to pay the City's portion of the attorney's fees and costs;  
NOW THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego as follows:

That it hereby authorizes the payment of the attorney's fees and costs in the matter of  
*Harvey Furgatch v. San Diego Unified Port District*, San Diego Superior Court Case No.  
GIC 775242 in an amount not to exceed 308,500.00.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By   
Huston Carlyle, Deputy General Counsel

HC:JR:my  
3/18/08  
Or.Dept:CA  
RA-2008-93

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the  
City of San Diego, at its meeting of MAR 25 2008.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 4-3-08  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800603

ORIGINATING

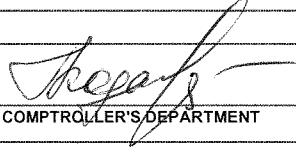
DEPT. NO.: 9960

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$308,500.00

Purpose: Authorizing expenditure of funds for Harvey Furgatch V. San Diego Unified Port District San Diego Superior Court Case No. GIC 775242 - East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. Total fees and costs not to exceed \$308,500.00

Date: March 7, 2008

By: Larissa Kogay  
  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	99079	97691	2001	4222	990403				\$308,500.00
TOTAL AMOUNT										\$308,500.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

Passed by the Redevelopment Agency of The City of San Diego on MAR 25 2008, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

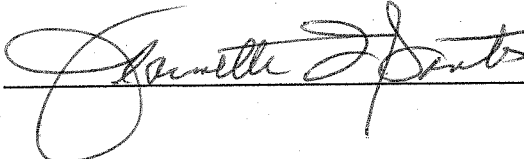
Date of final passage APR 03 2008

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California.

Resolution Number R-04247