

RESOLUTION NO. 198798

WHEREAS, The City of San Diego is a defendant in a Superior Court action entitled, "Benedictine Convent of Perpetual Adoration vs. County of San Diego and City of San Diego, No. 302193; and

WHEREAS, said case was commenced in 1966 for the recovery of certain 1963-1964 taxes paid by the plaintiff on property adjacent to its convent in San Diego; and

WHEREAS, recent appellate court decisions indicate that if a trial were held on the factual question of whether or not plaintiff's property was necessary to the convent and thus not taxable, the plaintiff would prevail; and

WHEREAS, plaintiff has agreed to enter into a Stipulation for Judgment with the County of San Diego and the City of San Diego which would have the effect of the plaintiff recovering the sum of \$13,567.10 from the County of San Diego and the sum of \$3,956.92 from the City of San Diego; and

WHEREAS, plaintiff has agreed to waive recovery of all costs of suit and any or all interest accruing on the amounts to be refunded from the time plaintiff paid the taxes in question under protest to the date judgment is entered; and

WHEREAS, the County of San Diego has indicated its agreement to the aforementioned settlement and has prepared a Stipulation for Judgment for use in said case, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Attorney recommends that the settlement on the basis described will be advantageous and fair

to the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that it approves the settlement recommended by the City Attorney as above-described and authorizes the City Auditor and Comptroller to transfer from the General Fund Unallocated Reserve to Small Claims (Dept. 44.06) the sum of \$3,956.92 for said purpose.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Deputy City Attorney

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

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 \$ 3,956.92 Fund GENERAL FUND-100 UNALLOCATED RESERVE (DEPT. 53.30)

Purpose TRANSFER TO DEPT. 44.06, CLAIMS; PROVIDE FUNDS TO SETTLE "BENEDICTINE CONVENT OF PERP. ADORATION V. COUNTY OF S.D. AND CITY OF S.D., NO. 302193

W. B. Sage

Auditor and Comptroller of
The City of San Diego, Calif.

Date DEC. 16, 19 69

By *Joe L. Zano*

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CITY CLERK'S OFFICE
1899 DEC 16 PM 4:33
SAN DIEGO, CALIF.

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contractor 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 moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ _____

Dated _____, 19 _____

Auditor and Comptroller of
The City of San Diego, Calif.

BY _____

Job Order
Resolution No.

Fund _____ Dept./Activity _____ Object _____ Project No. _____

Purpose _____

Vendor _____

CERTIFICATE NO. 2149

198798

JAN 6 1970

Passed and adopted by the Council of The City of San Diego on JAN 6 1970,
by the following vote:

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1969 DEC 16 PM 4:36

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

(Seal)

By Elfa J. Hamel, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>198798</u>	Adopted <u>JAN 6 1970</u>