

RESOLUTION NO. 205423 APR 25 1972

WHEREAS, pursuant to Resolution No. 197935, on September 9, 1969, the City and the Francis W. Parker School entered into an option whereby Francis W. Parker School acquired the right to purchase a certain 73.631-acre parcel, which option was to be exercised within two (2) years; and

WHEREAS, said right was not exercised within said two-year period and said option has now terminated; and

WHEREAS, the consideration for said option from Francis W. Parker School was \$28,200.00; and

WHEREAS, the Francis W. Parker School entered into the option agreement in good faith and thereafter launched a concerted effort to raise the funds necessary to exercise the option; and

WHEREAS, it was only the fortuitous and unanticipated availability of certain San Miguel School property with useful improvements already in existence which diverted its efforts from said fund raising; and

WHEREAS, the Francis W. Parker School, a nonprofit educational institution which makes a considerable contribution to the community, would suffer severe economic hardship and would be substantially impaired in its capacity to serve its students were it to lose the option money it paid; and

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MAR 24 1978

WHEREAS, said Francis W. Parker School has filed a claim for refund of said option amount; and

WHEREAS, said claim is founded in justice and supported by moral and equitable considerations; and

WHEREAS, the property which was subject to the option has increased rather than declined in value since the option agreement was executed; and

WHEREAS, the actual out-of-pocket expenses of City as a result of entering into said option agreement are \$2,480.00; and

WHEREAS, it is reasonable and equitable to compromise said claim; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That the City Manager is hereby authorized to expend \$28,200.00 from Capital Outlay Fund 245, \$25,720.00 of said sum as a return of option consideration to the FRANCIS W. PARKER SCHOOL and \$2,480.00 of said sum as reimbursement to the General Fund 100 for City's actual out-of-pocket expenses incurred as a result of entering into said option agreement, a copy of which is on file with the Clerk of said City as Document No. 729497.

APPROVED: JOHN W. WITT, City Attorney

By H. Valderhaug
Harold Valderhaug, Deputy

HOV: **MICROFILMED**
Revised
4/25/72 **MAR 24 1978**
Aud. Cert. #3930

205423

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 \$ 28,200.00 Fund 245 Capital Outlay
Purpose Return of option Consideration to the Francis W. Parker School

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.

By Robert W. Lawrence

RECEIVED
CITY CLERK'S OFFICE
1972 APR 19 AM 9:56
SAN DIEGO, CALIF.

Date April 10, 19 72

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 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 \$ 25,720.00

Dated April 10, 19 72

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.

BY Robert W. Lawrence

Fund 245 Dept./Activity 5610 Object 3300
Job Order
Resolution No.
Project No.

Purpose Option Consideration to the Francis W. Parker School

Vendor Francis W. Parker School

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FORM AC-361 (7-68)

205423

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CERTIFICATE NO. 3930

APR 25 1972

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

RECEIVED
CITY CLERK'S OFFICE
1972 APR 25 AM 8:54

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SAN DIEGO, CALIF. 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"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *Anthony M. Noel*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **205423** Adopted **APR 25 1972**

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MAR 24 1978