

RESOLUTION No. 218805

(R.77-2519)

Adopted on JUN 30 1977

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

That the City Manager be and he is hereby authorized to pay the sum of \$10,000.00 in full settlement of Cowles Mountain Estates Joint Venture v. City of San Diego, Superior Court No. 344325, for each and every claim against the City, its agents and employees of alleged taking or damaging of real property resulting from adoption of Zoning Ordinance Nos. 10811 (New Series) and 10893 (New Series) as they relate to the property formerly owned by Cowles Mountain Estates Joint Venture.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to transfer within the 100 Fund the sum of \$10,000.00 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to be used solely and exclusively for the above payment.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption  
C. Alan Sumption, Deputy

CAS:cj  
REV: 7.1.77  
044/Lit.  
Or. Dept.:  
Atty  
Aud. Cert.:  
8662

**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 \$ 10,000.00 Fund 100 General Fund (Unallocated Res.)

Purpose Authorizing the expenditure of funds from unallocated reserve for settlement of claim.

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

Date June 23, 19 77

By Matt Lepo

\*\*PENDING FISCAL YEAR 1978 APPROPRIATION ORD.

**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 \$ 10,000.00

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

Dated June 23, 19 77

BY Matt Lepo  
Job Order  
Resolution No.  
Project No.

Fund 100 Prog./Elem. 5331 Object 3299

Purpose Same as above.

Vendor XX Cowles Mountain Estates Joint Venture.

CERTIFICATE NO. 8662

JUN 30 1977

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

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"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Rochelun Martinez*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **218805** Adopted **JUN 30 1977** *ewf*

218805 (3)

TO THE CITY COUNCIL

I request unanimous consent to present this item: Resolution authorizing  
payment of \$10,000.00 as full and complete settlement of Cowles Mountain  
Estates Joint Venture v. City of San Diego, Superior Court Case  
No. 344325.

AT THE REGULAR MEETING OF THE CITY COUNCIL, the 28-29 day of June,  
19 77.

APPROVED: (#1) (#2) (#3) (#4) (#5) (#6) (#7) (#8) Submitted by C. Alan Sumption  
Deputy City Attorney  
Mayor