

RESOLUTION NO. 221053

JUN 6 1978

WHEREAS, The City of San Diego has a sum of money claimed to be excess park fees collected in connection with Diamond Park/Fiesta Time No. 5 Subdivision, said sum claimed by both Saratoga Development Corporation and TFL Co.; and

WHEREAS, Saratoga claims The City of San Diego owes to it a sum of money in connection with Special Permit No. 12709, and in connection with Goldcoast Drive grading permit; and

WHEREAS, The City of San Diego claims that Saratoga owes it various sums of money in connection with Quest Subdivision, Scripps Mesa Center Unit Nos. 1 and 2 Subdivisions, and water utility charges; and

WHEREAS, The City of San Diego, Saratoga Development Corporation, and TFL Co. desire to settle the aforementioned claims and lawsuits involving them; and

WHEREAS, the City Engineer has certified that the public work and improvements required to be done in Quest Subdivision (Agreement No. 741020) have been completed to the satisfaction and approval of the City Engineer; NOW, THEREFORE,

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

1. That the City Auditor and Comptroller is authorized to pay the sum of \$3,000.00 to TFL Co. from Park Services District Fund 11722 in full settlement of the case, TFL Co. v. City of San

MICROFILMED

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Diego, Superior Court No. 397667, and any claim by TFL Co. for park fees in connection with Diamond Park/Fiesta Time Unit No. 5 Subdivision.

2. The City Attorney is directed to dismiss the case, City of San Diego v. Saratoga Development Corp., et al., Superior Court No. 402461.

3. The City Manager is authorized to accept from Saratoga Development Corporation the sum of \$369.41 in satisfaction of certain water utility charges.

4. The City Manager is authorized to accept the work on behalf of The City of San Diego in connection with Quest Subdivision and to execute a Notice of Completion and have the same recorded.

5. That the City Auditor and Comptroller is authorized to transfer the sum of \$9,340.00 from Capital Outlay Fund 245 to the 11722 Fund.

6. All of the above to be done pursuant to and in consideration of the terms set forth in a certain letter of understanding dated October 28, 1977, as amended by a letter dated December 12, 1977, which together are on file in the office of the City Clerk as Document No. 763655.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption  
C. Alan Sumption, Deputy

CAS:cj  
4.17.78  
Or.Dept.:  
City Atty.  
Revised

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**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

RECEIVED  
CITY CLERK'S OFFICE

CERTIFICATION OF UNALLOTTED BALANCE

1978 JUN -6 PM 1:13

SAN DIEGO, CALIF. *ep*

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 \$ 9,340.00

Fund CAPITAL OUTLAY FUND 245 (CIP 23-2460)

Purpose TRANSFER TO 11722 FUND (MONTGOMERY-WALLER-SUB DISTRICT)

*W.B. Sage*

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

Date APRIL 12, 19 78

By *Joe L. Lozano*

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 \$ 3,000.00

*W.B. Sage*

Dated April 12, 19 78

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

BY *Joe L. Lozano*

Fund 11722 Prog./Elem. 5729 Object 3480

Job Order  
Resolution No. *MICROFILMED*  
Project No. \_\_\_\_\_

Purpose Claim Settlement--TFL Co. v. City of San Diego re Diamond Pk/Fiesta Time Unit 5 Subdv

Vendor TFL Company

JUN 6 1978

CERTIFICATE NO. 9269

**221053**

**00560**

Passed and adopted by the Council of The City of San Diego, in Executive Session, on  
JUN 6 1978 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Jess D. Haro, Deputy.

Betty Goodburg

I HEREBY CERTIFY that the above and foregoing is a full, true and correct

copy of RESOLUTION NO. 221053  
of The City of San Diego, California  
passed and adopted by the Council of

said City JUN 6 1978  
CHARLES G. ABDELNOUR, City Clerk

By Betty Goodburg  
Deputy.

RECEIVED  
 CITY CLERK'S OFFICE  
 1978 JUN - 9 PM 1:12  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <u>221053</u>	Adopted <u>JUN 6 1978</u>