

ORIGINAL

OCT 3 1978

RESOLUTION NO. 221953

WHEREAS, the City Council has previously authorized on October 12, 1977, by Resolution No. 219495 the commencement of eminent domain proceedings in City of San Diego v. Presidio Development Company, et al., in San Diego Superior Court Case No. 407539 for purposes of implementing what is commonly known as Crest Canyon Open Space Park project, and the funds necessary to acquire the real property necessary for said project have been previously authorized by City Council Resolution No. 217734 on February 16, 1977; and

WHEREAS, Presidio Development Company is the defendant in this action and is the fee owner of the property identified in the above lawsuit; and

WHEREAS, said defendant has agreed to accept the amount of \$385,000 as the total amount of just compensation for its claims and interests in the property; NOW, THEREFORE,

BE IT RESOLVED that said City Council hereby resolves and authorizes the following settlement of the above litigation:

00611

1. That the City Council of the City of San Diego does hereby authorize the expenditure of \$385,000 as payment to defendant Presidio Development Company of just compensation for all its claims arising out of the City's acquisition of the property described in the complaint and all damage to the remainder, if any, including, but not limited to, severance damage and erosion damage; and

2. That the City Council of the City of San Diego authorizes the expenditure of \$360,852 from Fund 3720 for said payment; and

3. That the City Council of the City of San Diego authorizes the expenditure of \$24,148 from Subdivision Park Fee Fund 11191 for said payment; and

4. That the City Attorney is hereby authorized to prepare and execute on behalf of the City of San Diego all necessary legal documents required to accomplish the above settlement.

Approved: JOHN W. WITT, City Attorney

By Nancy M. Jones
Nancy M. Jones, Deputy

NMJ:sm
10/2/78
Aud.Cert.# 79227

Jones 10-2-78
1125

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 \$ 24,148.00
360,852.00

11191 Park Fee Fund
Fund 3720 Crest Canyon Park Assessment District

Purpose Settlement of Claim

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

Date October 2, 1978

By Steve Hogan

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 \$ 385 000.00

Dated October 2, 1978

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

BY Steve Hogan

Fund 3720 Prog./Elem. 5734 Object 3496 Project No. 001024

Purpose Settlement of Claim, City vs. Presidio Development Company

Vendor PRESIDIO DEVELOPMENT COMPANY

221953 10/3/78

CERTIFICATE NO. 79227

AC-361 (REV. 7-78) Original Auditor's Certificate was returned to Auditor on 10-10-78 for revision. Revised version will accompany revised Reso R-79-642. 00613

Passed and adopted by the Council of The City of San Diego on OCT 3 1978,
 in Executive Session
 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Larry Stirling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jose D. Haro | <input 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

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Betty Gooding*, Deputy.

(Seal)

RECEIVED
 CITY CLERK'S OFFICE
 1978 OCT 10 PM 4:20
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **221953** Adopted **OCT 3 1978**

RECEIVED
 CITY CLERK'S OFFICE
 1978 OCT -4 PM 3:19
 SAN DIEGO, CALIF.
 CC 276 (REV. 11-77)

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