

(R-88-751)

RESOLUTION NUMBER R- 269572

ADOPTED ON OCT 26 1987

WHEREAS, in Closed Session on September 29, 1987, the City Council, by the following vote: Yeas, Districts 1, 3, 5, 6 and 7; Nays, None; Not Present, Districts 2, 8 and the Mayor; Vacant, District 4;

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

That the City Manager be and is hereby authorized and empowered to execute, for and on behalf of the City of San Diego, an agreement with James and Edwina Martin, for land acquisition in the vicinity of Smuggler's Gulch and Monument Road, under the terms and conditions set forth in the Settlement and Release Agreement on file in the Office of the City Clerk as Document No. RR- 269572;

BE IT FURTHER RESOLVED, that the City Manager be and is hereby authorized and empowered to pay the sum of FIVE HUNDRED AND FIFTY THOUSAND DOLLARS (\$550,000.00), together with related acquisition expenses, towards the purchase of said property and in settlement of the case, Martin, et al. v. The City of San Diego, et al., Superior Court Case No. 572676;

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized and empowered to add to the capital improvements program of the Sewer Revenue Fund 41506, "Tia Juana River Valley Land Acquisitions" Project, CIP No. 46-149.0 and that the City Auditor and Comptroller is hereby authorized and

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empowered to transfer a total of TWO HUNDRED AND SIXTY THOUSAND DOLLARS (\$260,000.00) within the Sewer Revenue Fund 41506, from the Unallocated Reserve (70697) to the Metropolitan Waste Water Construction Program (70292);


BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00), together with related acquisition expenses of not more than TEN THOUSAND DOLLARS (\$10,000.00), from the Sewer Revenue Fund 41506, "Tia Juana River Valley Land Acquisitions" Project, CIP No. 46-149.0; and the expenditure of an amount not to exceed THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), from Fund 700, Organization 209, Object Account 4824, Job Order 5409, is hereby authorized, solely and exclusively for the purpose of providing funds for the above described acquisition and settlement, provided that the escrow called for in the Settlement and Release Agreement also authorized by paragraph 1 of this resolution, closes in accordance with the terms and conditions of said Agreement and the escrow conditions;

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to place, at the direction of the Property Director, the amount of ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) from the Sewer Revenue Fund 41506, "Tia Juana River Valley Land Acquisitions" Project, CIP No. 46-149.0, into escrow for the purchase of said property. The City Auditor and Comptroller is further authorized and empowered to expend the remaining sum of THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (375,000.00) from the Sewer Revenue Fund 41506,

"Tia Juana River Valley Land Acquisitions" Project, CIP No. 46-149.0, and from Fund 700, Organization 209, Object Account 4824, Job Order 5409, payable to James R. and Edwina M. Martin, and their attorney of record, Gary S. Elster, as the final payment towards the full settlement of the lawsuit and land acquisition.

APPROVED: JOHN W. WITT, City Attorney

By


Leslie J. Girard
Deputy City Attorney

LJG:vtc:Lit.
10/13/87
Or.Dept:Risk/Property
Aud.Cert: 8800396
R-88-751
Form=r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8800396

ORIGINATING DEPT. NO.: 045

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 \$ _____ Fund _____

Purpose _____

Date _____, 19____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

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 \$ 560,000.00

Vendor JAMES AND EDWINA MARTIN

Purpose Authorizing expenditure of funds for settlement of litigation (Martin, etal v. City of San Diego, et al) and related land acquisition

Date October 20, 19 87 By: Lillian Reese

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			700	267	4903	070697				\$260,000.00
2			700	209	4824	004409				300,000.00
TOTAL AMOUNT										\$560,000.00

FUND OVERRIDE

OCT 26 1987

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OCT 26 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible	
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R* 269572 Adopted OCT 26 1987
Number Adopted