

(R-89-1335)

RESOLUTION NUMBER R- 272824

ADOPTED ON FEB 6 1989

WHEREAS, in Closed Session on November 21, 1988, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 7, 8, and Mayor; Nays, None; Not Present, District 6, to authorize settlement of the Superior Court Case No. 585704 entitled Monopoly v. The City of San Diego, et al.; NOW, THEREFORE,

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 the above action with the payment of the total sum of \$790,000.00 plus interest which has accrued on the condemnation deposit of \$490,000.00. Said payment is for the purchase of property acquired by the City of San Diego for the purpose of the development and completion of the Valencia Canyon Open Space Project. This property which is between Radio Drive and 59th Street in the Encanto area was authorized by City Council in Resolution No. R-267083 adopted November 18, 1986.

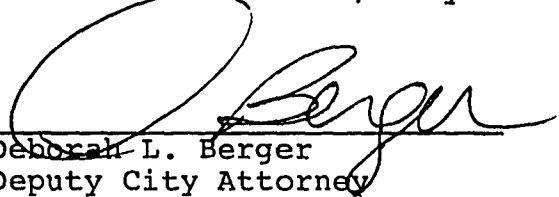
BE IT FURTHER RESOLVED that the sum of \$490,000.00 has already been deposited with the County Treasurer in accordance with the eminent domain action referred to above; \$489,800.00 has been withdrawn by Monopoly; \$16,789.41 was paid to Monopoly by the City of San Diego (Check No. 1505444) from the accrued interest of \$22,950.01 which was withdrawn by the City of San Diego; and \$225.45 has been paid to the County Treasurer-Tax Collector for the current 1987-88 prorated taxes.

BE IT FURTHER RESOLVED that the City Auditor and Controller is hereby authorized and empowered to pay \$283,185.14 and to utilize the available funds for said acquisition from the Open Space Bond Fund 79103.

BE IT FURTHER RESOLVED that the expenditure of said amounts totalling the sum of \$790,000.00 is for the settlement of the eminent domain action, including full payment of the parcel and for all damages of every kind and nature suffered or to be suffered by reason of the acquisition of said parcel from Monopoly.

APPROVED: John W. Witt, City Attorney

By

  
Deborah L. Berger  
Deputy City Attorney

DLB:jt:Lit  
02/01/89  
Aud.Cert:8900636  
Or.Dept:Prop.  
R-89-1335  
Form=r.claim

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8900636

ORIGINATING DEPT. NO.: 070

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 \$ 300,000.00      Fund 79103

Purpose Authorizing the expenditure of funds for the settlement of condemnation proceeding-Valencia Canyon Open Space.

Date January 24, 19 89

By: *Kimberly Pace*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		79103		101	4279	079103				\$300,000.00
TOTAL AMOUNT										\$300,000.00

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 \$ \_\_\_\_\_

Vendor \_\_\_\_\_

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

*R-272824*

**FEB 6 1989**

AC 8900636

FEB 6 1989

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"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-272824 Adopted FEB 6 1989

NO. 325874

LEB C 1086

OFFICE OF THE CITY CLERK

RECEIVED  
189 FEB -1 PM 1:53  
CITY CLERK'S OFFICE  
SAN DIEGO, CA

*Handwritten signature*

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

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SAN DIEGO, CALIFORNIA

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SAN DIEGO, CALIFORNIA

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