

(R-89-2390)

RESOLUTION NUMBER R- 273609

ADOPTED ON MAY 30 1989

WHEREAS, in Closed Session on May 23, 1989, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 5, 6, and Mayor; Nays, None; Not Present, Districts 3, 7 and 8, to authorize settlement of the Superior Court Case No. 597852 entitled City of San Diego v. Eugene Place Associates, 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 \$130,000.00 plus interest at the rate of 10% from and including April 21, 1989. The payment is for the purchase of property acquired by the City of San Diego for the purpose of the preservation of open space in the Eugene Place Open Space Project. The acquisition of this property, which is located north of and east of Eugene Place in Normal Heights, was authorized by City Council in Resolution No. R-270060 adopted January 4, 1988.

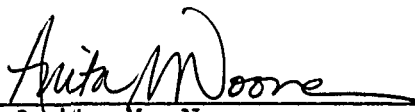
BE IT FURTHER RESOLVED that the sum of \$90,000.00 has already been deposited with the County Treasurer in accordance with the eminent domain action referred to above; \$53,682.78 has been withdrawn by San Dieguito National Bank; \$36,317.14 has been withdrawn by Eugene Place Associates, Richard G. Collins, Paul Brown, aka Paul Douglas Brown, The C. Weston Company, Clifford W.

La Monte, Jan Anton Enterprises, Albert V. La Monte, Jr., Helen G. La Monte, Shardemy, Inc., James Patrick Cavanagh, Dorothy Carolyn Cavanagh, and Sandra Lee Brown.

BE IT FURTHER RESOLVED that the City Auditor and Controller is hereby authorized and empowered to pay an additional \$39,071.22 plus interest at the rate of 10%, and to pay \$928.78 to the County Treasurer-Tax Collector for 1987 taxes and penalties. The City Auditor and Controller is also authorized to use the available funds for said acquisition from the Open Space Bond Fund 79104.

BE IT FURTHER RESOLVED that the expenditure of said amounts totalling the sum of \$130,000.00 plus interest at the rate of 10% from and including April 21, 1989, is for the settlement of the eminent domain action, constituting full payment for the parcel and for all damages of every kind and nature suffered or to be suffered by reason of the acquisition of said parcel.

APPROVED: John W. Witt, City Attorney

By   
Anita M. Noone  
Deputy City Attorney

AMN:jt:Lit  
05/24/89  
Aud.Cert:8900992  
Or.Dept:Prop.  
R-89-2390  
Form=r.claim

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

CERTIFICATE OF UNALLOTTED BALANCE AC 8900992

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 \$ \_\_\_\_\_ 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 \$ 30,000.00

Vendor Eugene Place Associates

Purpose Authorizing the expenditure of funds for Condemnation Settlement - Eugene Place Open Space Park Project.

Date May 19, 1989 By: Angelo Sanchez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |       |       |      |         |           |                   |            |          |             |
|-----------------|-------|-------|-------|------|---------|-----------|-------------------|------------|----------|-------------|
| ACCTG. LINE     | CY PY | FUND  | DEPT  | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/EQUIP | FACILITY | AMOUNT      |
| 1               |       | 79104 | 79104 | 101  | 4279    | 079104    |                   |            |          | \$30,000.00 |
|                 |       |       |       |      |         |           |                   |            |          |             |
|                 |       |       |       |      |         |           |                   |            |          |             |
|                 |       |       |       |      |         |           |                   |            |          |             |
| TOTAL AMOUNT    |       |       |       |      |         |           |                   |            |          | \$30,000.00 |

FUND OVERRIDE

R-273609

MAY 30 1989

AC 8900992

MAY 30 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 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"/> |
| H. Wes Pratt           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Ed Struikma            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson     | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 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 *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-273609* Adopted *MAY 30 1989*

09 MAY 21 PM 3:45

CITY POLICE OFFICE  
SAN DIEGO, CA

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