

RESOLUTION NUMBER R- 274144

ADOPTED ON AUG 01 1989

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to execute a purchase agreement and escrow instruction, substantively in the form on file in the office of the City Clerk as Document No.

RR- 274144,¹ for the acquisition of approximately 60 acres of property (Canyon Hills P.R.D., Map 11833, lying southwesterly of the centerline of Mercy Road), for an estimated total cost not to exceed \$14.25 million from BARRATT AMERICAN INCORPORATED, a Delaware corporation, for park purposes under C.I.P. 29-728.0, Acquisition of Canyon Hills Residential Development.

BE IT FURTHER RESOLVED, that the transfer of not to exceed \$6.1 million from the Mira Mesa area Facilities Benefit Assessment Fund 79006 to C.I.P. 29-728.0, Acquisition of Canyon Hills Residential Development, is hereby authorized and approved.

BE IT FURTHER RESOLVED, that the transfer of an amount not to exceed \$1.25 million from Mira Mesa Area Facilities Benefit Assessment Fund 79006, C.I.P. 29-653.0, Carroll School Park Site, to C.I.P. 29-728.0, Acquisition of Canyon Hills Residential Development, is hereby authorized and approved.

BE IT FURTHER RESOLVED, that the transfer of an amount not to exceed \$500,000 from Mira Mesa Facilities Benefit Assessment Fund 79006, C.I.P. 29-653.0, Carroll School Park Site, to C.I.P. 37-055.4, West Miramar Refuse Disposal Facility Phase I, to

reimburse C.I.P. 37-055.4 for funds transferred to C.I.P. 29-728.0 authorized by Resolution R-273882, adopted June 26, 1989, in lieu of reimbursement by American Newland Associates funds, is hereby authorized and approved.

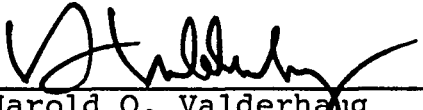
BE IT FURTHER RESOLVED, that the expenditure of not to exceed \$7.35 million from Facilities Benefit Assessment Fund 79006, C.I.P. 29-728.0, Acquisition of Canyon Hills Residential Development, is hereby authorized as partial payment toward the cost of the property and related costs.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute, for and on behalf of The City of San Diego, a First Trust Deed and Note on the above described property in favor of BARRATT AMERICAN INCORPORATED, a Delaware corporation, in the amount of \$5.5 million, plus interest at a rate of ten percent (10%) per annum, payable \$2 million plus accrued interest on September 1, 1990, and \$3.5 million plus accrued interest on September 1, 1991, under the terms and conditions set forth in that First Trust Deed and Note substantively in the form on file in the office of the City Clerk as Document No. RR-274144-2

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to accept City standard form deed(s) to be executed by BARRATT AMERICAN INCORPORATED, a Delaware corporation, or BARRATT AMERICAN INCORPORATED, a Delaware corporation and/or JERRY L. ELDER, the form of which deed is on file in the office of the City Clerk as Document No. RR-274144-3, conveying to The City of San Diego fee title to all those portions of Canyon Hills

P.R.D., Map 11833, lying southwesterly of the centerline of Mercy Road, that are not already owned by the City.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
07/27/89
08/01/89 COR.COPY
Or.Dept:Prop.
Aud.Cert:9000143
Job:519652
R-90-227
Form=r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 9000143 REVISED

ORIGINATING DEPT. NO. 970

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 \$ 7,850,000.00*

Vendor BARRATT AMERICAN, INC.

Purpose AUTHORIZING THE EXPENDITURE OF FUNDS FOR PARTIAL PAYMENT TOWARD THE ACQUISITION OF THE CANYON HILLS RESIDENTIAL SITE CIP 29-7280 & REINSTATEMENT OF CIP 370554

Date AUGUST 1, 1989

By: [Signature]

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		79006			9544					6,100,000.00
2			30244	105	4638	296530				1,750,000.00
TOTAL AMOUNT										7,850,000.00

AUG 01 1989 8-274144

AC-361 (REV 3-86)* THIS AUDITORS CERTIFICATE IS APPLICABLE TO THE PARTIAL PAYMENT OF FUND OVERRIDE \$7,850,000.00 for the acquisition stated above, and is not applicable 9000143 REVISED to future payments in accordance with a legal opinion given by the city attorneys

AUG 01 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struikisma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Ina Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-274144 Adopted AUG 01 1989