

(R-90-639)

RESOLUTION NUMBER R- 274583

ADOPTED ON OCT 16 1989

WHEREAS, in Closed Session on October 13, 1989, the City Council approved, by the following vote: Yeas, Districts 1, 2, 3, 4 and 7; Nays, None; Not Present, Districts 5, 6, 8 and the Mayor, to authorize settlement of the following Superior Court Cases:

City of San Diego v. Murray Joanne Hansen, et al.,
San Diego Superior Court Case No. 600709, Parcel 4,

City of San Diego v. W. Michael Forys, et al.,
San Diego Superior Court Case No. 600717, Parcel 26,

City of San Diego v. Adele M. Forys,
San Diego Superior Court Case No. 600718, Parcel 27,

City of San Diego v. Thomas J. Perry, et al.,
San Diego Superior Court Case No. 600714, Parcel 15

and that additional funds necessary to settle Case No. 600717, W. M. Forys (Parcel 26); Case No. 600718, A. Forys (Parcel 27), and Case No. 600714, Perry (Parcel 15), be transferred from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund.

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 settle the above-entitled actions with the payment of the following sums:

Case No. 600709, Hansen (Parcel 4)
(Albatross Canyon) \$ 28,250.00
Case No. 600717, W. M. Forys (Parcel 26)
Case No. 600718, A. Forys (Parcel 27)
Case No. 600714, Perry (Parcel 15)
(Goldfinch Canyon) \$276,500.00

Said payments are for the acquisition of real property by the City of San Diego located in Albatross and Goldfinch Canyons pursuant to the Uptown Open Space Project which was authorized by City Council in Resolutions R-270416 and R-270419 adopted February 23, 1988.

BE IT FURTHER RESOLVED that the following sums have already been deposited with the County Treasurer in accordance with the eminent domain actions referred to above:

Case No. 600709, Hansen (Parcel 4)
(Goldfinch Canyon) \$ 7,175.00
Case No. 600717, W. M. Forys (Parcel 26)
Case No. 600718, A. Forys (Parcel 27)
Case No. 600714, Perry (Parcel 15)
(Albatross Canyon) \$165,325.00

BE IT FURTHER RESOLVED that the additional funds required to settle Case No. 600709, Hansen (Parcel 4), in the amount of \$21,075.00 are available in the individual Albatross Canyon Open Space Project Fund.

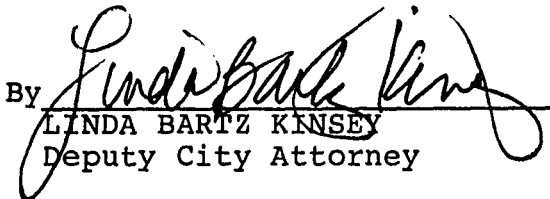
BE IT FURTHER RESOLVED that the City Auditor and Controller is hereby authorized and empowered to transfer \$111,175.00 from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund to cover the additional

funds required to settle Case No. 600717, W. M. Forys (Parcel 26), Case No. 600718, A. Forys (Parcel 27), and Case No. 600714, Perry (Parcel 15).

BE IT FURTHER RESOLVED that the expenditure of said amounts totalling the sum of \$304,750.00 is for the settlement of these eminent domain actions, including full payment for all parcels, costs and interest, and for all damages of every kind and nature suffered or to be suffered by reason of the acquisition of said parcels.

APPROVED:

JOHN W. WITT, City Attorney

By 
LINDA BARTZ KINSEY
Deputy City Attorney

LBK:hk:Lit
10/11/89
Or. Dept: Prop.
Aud.Cert: 9000379
R-90-639
Form-r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000379

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 \$ 111,175.00 Fund 79104

Purpose Authorizing the expenditure of funds for Goldfinch Canyon Open Space Project-
 Condemnation Settlement.

Date October 10, 1989

By: *Katherine Rice*
 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				\$111,175.00
TOTAL AMOUNT										\$111,175.00

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-274583

OCT 16 1989

#1007

OCT 16 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<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 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 *Shonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-274583 Adopted OCT 16 1989

