

(R-90-1177)

RESOLUTION NUMBER R- 275117

ADOPTED ON FEB 12 1990

WHEREAS, in Closed Session on January 9, 1990, the City Council, approved by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and the Mayor, Nays, 0, Not Present, District 8, to authorize settlement of the San Diego Superior Court Case No. 600728 (Parcel 64A), entitled City of San Diego v. Charles J. Gang, et al. for the total sum of \$75,000.00 (Seventy Five Thousand Dollars), said settlement to include full payment for the acquired parcel, costs and interest, and for all damages of every kind and nature suffered or to be suffered by reason of the acquisition of said parcel; and that additional funds not deposited in the court action in the amount of \$15,000.00 (Fifteen Thousand Dollars) necessary to settle said case be transferred from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund; and that an additional amount of \$35,000.00 (Thirty Five Thousand Dollars) also be transferred from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund to cover any final closing costs, miscellaneous expenses and the acquisition and/or litigation expenses required to acquire the McCann property (Parcel 44) located at the northeast corner of

Dove Street and Arbor Drive in San Diego, to complete the entire Goldfinch Canyon Open Space Program; 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 settle the above-entitled action with the payment of an additional \$15,000.00 (Fifteen Thousand Dollars) for the acquisition of the real property which is the subject matter of said Case No. 600728 by The City of San Diego pursuant to the Uptown Open Space Project which was authorized by City Council in Resolution R-270419 adopted in February, 1988.

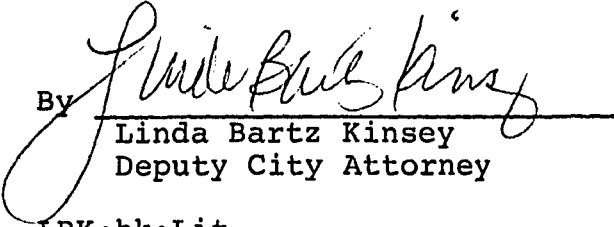
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized and empowered to transfer said \$15,000.00 (Fifteen Thousand Dollars) from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund to cover the additional funds required to settle said Case No. 600728.

BE IT FURTHER RESOLVED that the City Auditor and Comptroller is hereby authorized and empowered to transfer an additional \$35,000.00 (Thirty Five Thousand Dollars) from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund to cover any final closing costs, miscellaneous expenses and acquisition and/or litigation expenses required to acquire the McCann property (Parcel 44), located at

the northeast corner of Dove Street and Arbor Drive in San Diego,
in order to complete the entire Goldfinch Canyon Open Space
Program.

APPROVED: John W. Witt, City Attorney

By


Linda Bartz Kinsey
Deputy City Attorney

LBK:hk:Lit
01/30/90
Aud.Cert: 9000668
Or.Dept: Property
R-90-1177
Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000668

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 \$ 50,000.00 Fund 79104

Purpose Authorizing the expenditure of funds for the aquisition of Goldfinch Canyon Open Space Park project.

Date January 26, 1990 By: Amy Rodenbeck
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1	0	79104		101	4279	079104				\$50,000.00
TOTAL AMOUNT										\$50,000.00

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

2107

FEB 12 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<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 *Jana Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275117* Adopted FEB 12 1990

RECEIVED

90 JAN 31 PM 2: 29

CITY CLERKS OFFICE
SAN DIEGO, CA