

(R-94-197)

RESOLUTION NUMBER R- 282908

ADOPTED ON OCT 26 1993

WHEREAS, in Closed Session on June 8, 1993, the City Council, by the following vote: Yeas, Honorable Mayor Susan Golding, Districts 1, 3, 4, and 6; Nays, 5; Ineligible, District 2; Not Present, Districts 7 and 8; approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the sum of \$3,287,020 (Three Million Two Hundred Eighty-Seven Thousand Twenty Dollars) from the CIP 52-356.0, State Route 56--Property Acquisition and Floodway Construction, Fund 790022, for settlement of the condemnation proceedings entitled City of San Diego v. McIsa CV II Joint Venture, etc., et al., Superior Court of San Diego Case No. 648402 and the acquisition in fee of an approximate 59 acre remainder parcel from McIsa CV II Joint Venture. Said \$3,287,020 will supplement funds previously authorized by Resolution R-279180 dated December 10, 1991, for the Route 56/Carmel Valley Restoration and Enhancement Project, making a total settlement of \$5,035,165 (Five Million Thirty-Five Thousand One Hundred Sixty-Five Dollars) inclusive of fees, costs and any and all other claims.

WHEREAS, in Closed session on August 10, 1993, the City Council, by the following vote: Yeas, Honorable Mayor Susan

Golding, Districts 5, 6, 7, 8; Nays, District 4; Districts Not Present, Districts 1, 2, and 3; approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Manager be and he is hereby authorized and empowered to pay the sum of \$607,475 (Six Hundred Seven Thousand Four Hundred Seventy-Five Dollars) from the CIP 52-356.0, State Route 56-- Property Acquisition and Floodway Construction, Fund 790022, for settlement of the condemnation proceedings entitled City of San Diego v. Marvin Del Carmel, etc., et al., Superior Court of San Diego Case No. 647359, said \$607,475 will supplement funds previously authorized by Resolution R-279180 dated December 10, 1991, for the Route 56/Carmel Valley Restoration and Enhancement Project, making a total settlement of \$1,550,000 (One Million Five Hundred Fifty Thousand Dollars) inclusive of fees, costs and any and all other claims.

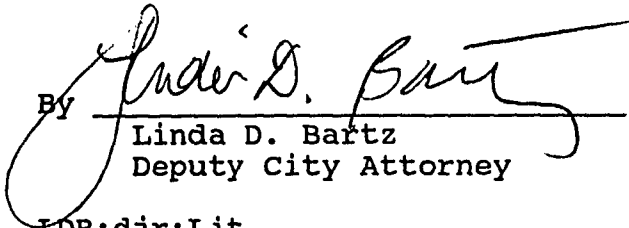
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to expend a total of \$3,894,495 by issuing two checks as follows:

1. The amount of \$3,287,020, made payable to McIsa CV II Joint Venture, Debtor in Possession, in full settlement of the case City of San Diego v. McIsa CV II Joint Venture, etc., et al. and for acquisition in fee of an approximate 59 acre remainder parcel from McIsa CV II Joint Venture; and

2. The amount of \$607,475, made payable to Marvin del Carmel and its attorneys of record Best, Best & Krieger, by Bruce W. Beach, Esq., in full settlement of the case City of San Diego v. Marvin del Carmel, etc., et al. and of all claims.

APPROVED: John W. Witt, City Attorney

By



Linda D. Bartz  
Deputy City Attorney

LDB:djr:Lit.

10/12/93

Aud.Cert: 9400440

Or.Dept:Prop

R-94-197

Form=r.claim1

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9400440  
 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 \$ 5,694,495.00 Fund 30244/790022

Purpose Authorizing the transfer and expenditure of funds for SR56/CVREP Acquisition.

Date October 20, 1993 By: *Veronica Ann B...*  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	790022			9544					\$5,694,495.00
TOTAL AMOUNT										\$5,694,495.00

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 money 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 \_\_\_\_\_ 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

AC 9400440

AC-361 (REV 2-92)

R-282908

OCT 26 1993

original  
A.C. attached  
TO 350077

5500(b)

Passed and adopted by the Council of The City of San Diego on **OCT 26 1993**  
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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

**SUSAN GOLDING**  
Mayor of The City of San Diego, California.

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

By *Branda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-282908** Adopted **OCT 26 1993**  
Number.....

RECEIVED

93 OCT 22 AM 10:30

CITY CLERKS OFFICE  
SAN DIEGO, CA