

(R-95-798)

RESOLUTION NUMBER R- 284975

ADOPTED ON NOV 28 1994

WHEREAS, in Closed Session on October 18, 1994, the City Council, by the following vote: Yeas, Honorable Mayor Susan Golding, Districts 1, 2, 3, 4, 6, 7 and 8, Nays, None, Not Present, District 5, approved the following; NOW, THEREFORE,

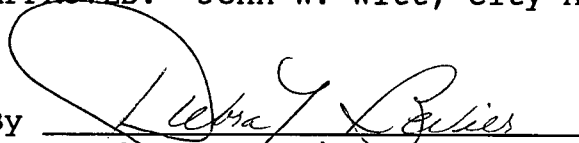
BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$215,000 from CIP 52-166.1, San Ysidro Boulevard--Smyth Avenue to Border Village Road, Prop A Fund 30300, for settlement and expenses of condemnation proceedings entitled The City of San Diego v. Fritz and Betty Neumann, et al., Superior Court Case Nos. 575404 and 575407. The payment of \$212,000.00 to Fritz and Betty Neumann and the prior payment of \$228,159.30 pursuant to Resolution No. R-276980, making a total payment of \$440,159.30, shall be a complete settlement of all damages, interest, costs and fees of any type, including attorney's fees, in the above-entitled litigation. The remaining \$3,000.00 will be used by the Real Estate Assets Department to pay outstanding expert fees.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$212,000, made payable to Fritz and Betty Neumann and their attorneys of record, Asaro, Keagy, Freeland and McKinley, 3170 Fourth Avenue, Fourth Floor, San Diego, CA 92103,

from CIP 52-166.1, San Ysidro Boulevard--Smyth Avenue to Border
Village Road, Prop A Fund 30300.

APPROVED: John W. Witt, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:djr:Lit.
11/10/94
Aud.Cert:9500540
Or.Dept:Prop
R-95-798
Form=r.stmt

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9500540

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 \$ 215,000 Fund 30300

Purpose Authorizing the expenditure of funds for settlement of condemnation proceedings for San Ysidro Blvd. - Smythe Ave. to Border Village Rd.

Date November 10, 1994 By: *Kim Sang Jho*

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	30244	30244	107	4279	521661		30300		\$215,000.00
TOTAL AMOUNT										\$215,000.00

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 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 9500540