

ORDINANCE NUMBER O- **18369** (NEW SERIES)

ADOPTED ON **DEC 10 1996**

AN ORDINANCE AMENDING ORDINANCE NO. O-18328 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE AMENDING THE ADOPTED ANNUAL BUDGET FOR THE FISCAL YEAR 1996-97 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-18328 , AS AMENDED AND ADOPTED THEREIN, BY ADDING CIP 39-223.0, MESA TOP ACQUISITION; AND BY AMENDING THE GENERAL FUND BUDGET TO APPROPRIATE \$142,139.40 OF UNANTICIPATED COUNTY REFUND OF ELECTIONS SERVICES BILLINGS TO BE TRANSFERRED TO MESA TOP MITIGATION FUND 10594, FOR OPEN SPACE LITIGATION PURPOSES..

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Ordinance No. O-18328 (New Series), as amended, entitled "AN ORDINANCE AMENDING THE ADOPTED ANNUAL BUDGET FOR THE FISCAL YEAR 1996-97 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," be and the same is hereby amended by amending Document No. OO-28328, as amended and adopted therein by adding CIP 39-223.0, Mesa Top Acquisition.

Section 2. That Ordinance No. O-28328 (New Series), as amended, entitled "AN ORDINANCE AMENDING THE ADOPTED ANNUAL BUDGET FOR THE FISCAL YEAR 1996-97 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," be and the same is hereby amended by amending Document No. OO-28328, as amended and adopted therein by amending the General Fund

Budget to appropriate \$142,139.40 of unanticipated county refund of election services billings to be transferred to Mesa Top Mitigation Fund 10594, for open space litigation purposes

Section 3. That the City Auditor and Comptroller is hereby authorized and directed to establish the "Mesa Top Mitigation Fund," number 10594, for the purpose of expenditures related to the settlement in the case of Torrey Pines Investment Group, et al., vs. City of San Diego.

Section 4. That the appropriation and expenditure of not to exceed \$2 million from CIP 39-223.0, Mesa Top Acquisition, Mesa Top Mitigation Fund 10594, for partial settlement in the case of Torrey Pines Investment Group, et al. vs. City of San Diego, is hereby authorized.

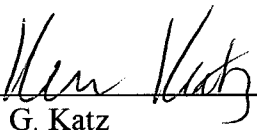
Section 5. That the expenditure for required environmental mitigation of \$1,210,477 as follows: \$638,580 from CIP 523620, Nobel Drive Extension and I-805 Interchange, Fund 79001; \$45,000 from CIP 525570, North Torrey Pines Road Bridge over AT&SF Railroad, Fund 30300; \$45,000 from CIP 530500, North Torrey Pines Road Bridge over Los Penasquitos Creek, Fund 30300; \$481,897 from CIP 524630, State Route 56-Carmel Valley to Rancho Penasquitos, Fund 30302, to be deposited in Mesa Top Mitigation Fund 10594, is hereby authorized and approved.

Section 6. That the appropriation and expenditure of not to exceed \$582,383.60 from Open Space Bond Fund 79104, to reimburse open space acquisition expenditures incurred by Mesa Top Mitigation Fund 10594, is hereby authorized and approved.

Section 7. That the appropriation and transfer of \$65,000 from Black Mountain Ranch Development Agreement Fund, 392190, to be deposited in the Mesa Top Mitigation Fund 10594.

Section 8. This ordinance shall take effect and be in force immediately upon its adoption after two public hearings, pursuant to the authority contained in Sections 16, 17 and 71 of the Charter of The City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By 
Keri G. Katz
Head Deputy City Attorney

KGK:ps:smf:pev
12/6/96
12/09/96 Cor.Copy2
Aud.Cert.9700546
Or.Dept:Comm.& ED
O-97-38
Form=o&t.ord

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

AC 9700546

ORIGINATING
 DEPT. NO.: 40

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 \$ 2,000,000.00 Fund 30244, 79104, 100

Purpose Authorizing the expenditure of funds for mitigation expenses related to Mesa Top - Open

Space acquisitions and the establishment of fund 10594, Mesa Top Mitigation.

Date 12/02/96 By: *Doug Coody*

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	30244	30244	105	4279	296260		79002		\$65,000.00
2	0	30244	30244	107	4279	523620		79001		638,580.00
3	0	30244	30244	107	4279	525570		30300		45,000.00
4	0	30244	30244	107	4279	530500		30300		45,000.00
5	0	30244	30244	107	4279	524630		30302		248,334.00
See below for more accounting									TOTAL AMOUNT	more accounting

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
6	0	79104	79104	101	4279	010594				\$582,383.60
7	0	100			9544					142,139.40
8	0	30244	30244	107	4279	523560		790022		233,563.00
									TOTAL AMOUNT	\$2,000,000.00

FUND OVERRIDE