

(R-96-1603)

RESOLUTION NUMBER R-287506

ADOPTED ON JUNE 11, 1996

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized to execute a Settlement Agreement with the plaintiffs in the case San Dieguito Partnership, L.P., et al. v. City of San Diego, et al., Superior Court Case No. 675245 (the "Litigation"), on the terms and conditions set forth in the agreement on file in the Office of the City Clerk as Document No. RR- 287506-1, together with such ancillary terms as may be necessary to carry out the purpose and intent of the settlement.

BE IT FURTHER RESOLVED, that the City Manager be and he is authorized to execute a Stipulation for Judgment in the Litigation, in order to implement the terms of the Settlement Agreement, on the terms and conditions set forth in the Stipulation on file in the Office of the City Clerk as Document No. RR- 287506-2.

BE IT FURTHER RESOLVED, that the amount of \$200,000 shall be transferred from the Open Space Acquisition Bond Fund, 79104, to the San Dieguito Valley Trust Fund; the amount of \$270,000 shall be transferred from the Habitat Acquisition Fund, 10571, to the San Dieguito Valley Trust Fund; and the amount of \$570,000 shall be transferred from the Environmental Growth Fund, 105052, to the San Dieguito Valley Trust Fund, all to carry out the terms and conditions of the Settlement Agreement.

BE IT FURTHER RESOLVED, that the amount of \$550,000 shall be transferred from the San Dieguito Valley Trust Fund to the Public Liability Fund No. 81140, Object Acct. No. 4824, Job Order No. 081141, to repay an advance made by the Public Liability Fund towards the settlement of the Litigation.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to pay to plaintiffs the sum of \$550,000 towards the settlement of the Litigation, from the San Dieguito Valley Trust Fund.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$550,000, made payable to San Dieguito Partnership, L.P., c/o Roy Collins at R. B. Collins and Associates, 5963 La Place Court, Suite 109, Carlsbad, California 92008, towards settlement of the Litigation.

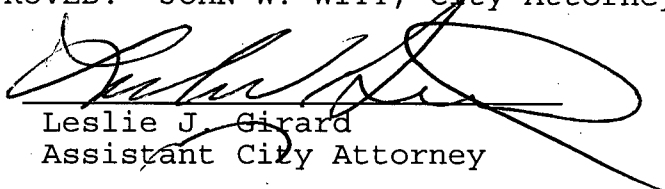
BE IT FURTHER RESOLVED, that the City Manager, and City Auditor and Comptroller be and they are hereby authorized to take any further actions as may be necessary or proper, including the transfer, payment or deposit of funds to or from the San Dieguito Valley Trust Fund to implement the Settlement Agreement and Stipulated Judgment.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to reallocate, as may be necessary or proper, the amounts transferred for this purpose

from the Open Space Acquisition Fund 79104 and the Environmental Growth Fund 105052 by reallocating the funding sources for existing projects between these funds.

APPROVED: JOHN W. WITT, City Attorney

By



Leslie J. Girard
Assistant City Attorney

LJG:js
06/17/96
Or.Dept:Atty
Aud.Cert:9601274
R-96-1603
Form=r-t

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9601274

ORIGINATING DEPT. NO.: 045

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 \$ 1,040,000.00 Fund 105052, 79104, 10571

Purpose For settlement of San Dieguito Litigation.

Date June 12, 1996 By: 

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	105052			9544					\$570,000.00
02	0		79104	101	4279	028244				56,000.00
03	0		79104	101	4279	028251				52,153.00
04	0		79104	101	4279	079104				88,937.00
05	0		79104	103	4279	079104				2,910.00
06	0	10571			9544					\$270,000.00

Total Amount \$1,040,000.00

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 \$ 550,000.00

Vendor San Dieguito Partnership

Purpose Authorizing the expenditure of funds for settlement payment to San Dieguito Partnership.

Date June 12, 1996 By: 

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	105931			9544					\$550,000.00
TOTAL AMOUNT										\$550,000.00

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