

RESOLUTION NUMBER R- 290252

ADOPTED ON JUN 15 1998

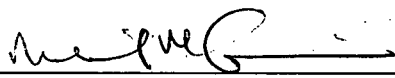
WHEREAS, Resolution No. R-285103, adopted December 6, 1994, authorized the expenditure of an amount not to exceed \$450,000 for condemnation of the property rights required for construction of the North City Tunnel Connector Project; subsequently, a jury trial of the eminent domain case *City of San Diego v. J. A. H.*, San Diego Superior Court Case No. 683820-1, was held on March 13, 1998, and a Judgment in Condemnation was entered on an amount above that which was previously approved by Council; therefore, to pay the Judgment and related costs, an additional authorization of an amount not to exceed \$585,000 is needed; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Auditor and Comptroller be and he is hereby authorized to transfer \$549,140 from Sewer Fund 41509, CIP 42-926.0 (Annual Allocation for the North City Water Reclamation Plant) to Sewer Fund 41509, CIP 42-910.8 (North City Tunnel Connector) for payment of the Judgment in Condemnation and related costs.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$35,860 in contingency funds from CIP 42-910.8 (North City Tunnel Connector) for payment of the Judgment in Condemnation and related costs.

BE IT FURTHER RESOLVED, that the City manager be and he is hereby authorized and empowered to pay an amount not to exceed \$585,000 from Sewer Fund 41509, CIP 42-910.8 (North City Tunnel Connector) for payment of the Judgment in Condemnation and related costs.

APPROVED: CASEY GWINN, City Attorney

By   
Michael R. McGuinness  
Deputy City Attorney

LAF:djr  
06/01/98  
Aud.Cert:9801308  
Or.Dept:REA  
R-98-1415  
Form=settlemt.res

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING AC 9801308  
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 585,000.00 Fund 41509

Purpose Authorizing the expenditure of funds for North City Tunnel Connector condemnation judgement and related costs.

Date May 20, 1998

By: *Deha K Mendonca*  
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	41509	779		4638	193545				\$585,000.00
TOTAL AMOUNT										\$585,000.00

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