(R-2002-800)(COR. COPY)

## RESOLUTION NUMBER R- 295907 ADOPTED ON JAN 0 8 2002

WHEREAS, Shea Homes owns approximately 4.467 acres of land which they are willing to sell to the City of San Diego; and

WHEREAS, the City of San Diego desires the 4.467 acres of land for future public recreational use, which acquisition is consistent with the public interest; and

WHEREAS, the City of San Diego and Shea Homes entered into a settlement agreement regarding the matter entitled <u>Shea Homes Limited Partnership</u>, et al. v. The City of San Diego, et al., San Diego County Superior Court Case GIC 767172; and

WHEREAS, as part of that settlement agreement, Shea Homes agreed to sell the 4.467 acres of land to the City of San Diego for \$1,200,000; and

WHEREAS, the purchase price for the 4,467 acres of land will be offset by Shea Homes' purchase of a City of San Diego parcel at a price of \$240,000 (that transaction is part of Resolution Number R
295906

which will reduce the City of San Diego's cash outlay to \$960,000; NOW, THEREFORE,

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

1. That the expenditure of an amount not to exceed \$1,000,000 from the Village and Country Settlement Fund No. 10604 for the acquisition from Shea Homes of property rights and related costs for a 4.467-acre graded site for future public recreational use (Lot 11 of Map 14063), said purchase being a part of the Settlement Agreement entered into by and with the City

and Shea Homes dated July 24, 2001, is authorized and approved.

2. That the Auditor and Comptroller is authorized to amend the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP 29-504.0, Scripps Gateway Park, in the amount of \$1,000,000 from the Village and Country Settlement Fund No. 10604, and \$240,000

from Capital Outlay Fund 302453.

3. That the appropriation and expenditure of an amount not to exceed \$1,000,000 from the Village and Country Settlement Fund No. 10604 from CIP 29-504.0, Scripps Gateway Park, and \$240,000 from Capital Outlay Fund 302453, is authorized and approved.

4. That the City Clerk is authorized and directed to deliver all documents and a certified copy of this resolution, attested by him under seal, to the Real Estate Assets Department for further handling.

APPROVED: CASEY GWINN, City Attorney

Claudia Gacitua Silva Deputy City Attorney

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PAGE 2 OF 2- (- 295907.

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

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