

RESOLUTION NUMBER R- 295907

ADOPTED ON JAN 08 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 Shea Homes Limited Partnership, 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

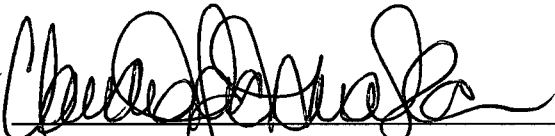
and Shea Homes dated July 24, 2001, is authorized and approved.

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

By   
Claudia Gacitua Silva  
Deputy City Attorney

CGS:cdk  
12/05/01  
01/08/02 COR. COPY  
Or.Dept:REA  
Aud.Cert:2200548  
R-2002-800  
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**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2200548  
ORIGINATING DEPT. NO.: 10604

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 1,000,000.00 Fund 10604

Purpose Authorizing the expenditure of funds for aquisition of property rights and related costs for Scripps Gateway Park Site.

Date December 07, 2001 By: Yesli Bezuneh  
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	10604			9544					\$1,000,000.00
TOTAL AMOUNT										\$1,000,000.00

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

*R* - 295907 JAN 08 2002