

RESOLUTION NUMBER R- 296543

ADOPTED ON MAY 28 2002

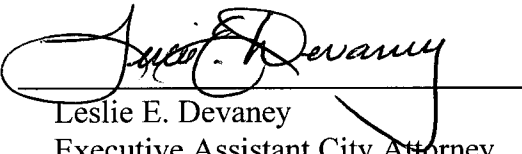
WHEREAS, the defense of the legal issues raised in Border Business Park, Inc., and related entities, as set forth in the litigation of *Otay Acquisition v. City of San Diego*, San Diego Superior Court Case No. GIC 753247, and *National Enterprise v. City of San Diego*, San Diego Superior Court Case No. GIC 730011, and *Border Business Park, Inc. v. City of San Diego*, San Diego Superior Court Case No. 692794, require extensive resources necessary to coordinate and research several substantive and procedural legal matters, as well as to prepare and respond to legal documentation; and

WHEREAS, Horvitz & Levy, attorneys at law, have been retained by the City of San Diego, for outside counsel appellate services in the matters of Border Business Park, Inc., and related litigation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a First Amendment to the Retainer Agreement by and between the City of San Diego and Horvitz & Levy, for outside counsel appellate services in *Otay Acquisition v. City of San Diego*, San Diego Superior Court Case No. GIC 753247, *National Enterprise v. City of San Diego*, San Diego Superior Court Case No. GIC 730011, and *Border Business Park, Inc. v. City of San Diego*, San Diego Superior Court Case No. 692794, be and it is hereby authorized.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$325,000 from Liability Fund No. 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above agreement.

APPROVED: CASEY GWINN, City Attorney

By 
Leslie E. Devaney
Executive Assistant City Attorney

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