RESOLUTION NUMBER R- 296543 ADOPTED ON MAY 282002

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

Leslie E. Devaney

Executive Assistant City Attorney

LED:js 05/01/02

Aud.Cert:2201077 Or.Dept:Risk Mgmt

R-2002-1530

Form=auagr.frm

R- 296543

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

				CERTI	FICATE O	F UNALLO	TTED BA		AC	2201077
									RIGINATING DEPT. NO.:	81140
the fo	rego		ution is a							he purpose set forth in o the Treasury, and is
Amount:							Fund:			
Purpose:										
•			,							
Date:						By:	·			-
Date.						. . .	AU	DITOR AND	COMPTRO	LLER'S DEPARTMENT
					AC	COUNTING DA	TA			
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
									ļ	
	-				<u> </u>					
	L	L	l		l	<u> </u>	· 1	TOTAL AI	MOUNT	
			FUND OVERRIDE							
provis require purpos Treass same	men ions eme se o ury, are	t authoriz of the C nts of the f said cor or are ar to be dra	ed by the harter of Charter atract, that it is in the harted at the harted awn, and	the City of the City at sufficie to com that the	attached row of San Dity of Sa	esolution, of iego; and li Diego, that is to meet the Treasury, sey now ac	can be income to the control of the control of the creature to the creature to the creature to the creature the control of the creature that the creature the creature that the creature	curred with our furthe moneys tions of sedit of the heart reason.	thout the r certify, have be said cont e approp sury, tog	ed by the contract or eviolation of any of the in conformity with the en appropriated for the tract are actually in the priation from which the ether with the moneys se unencumbered.
Not to	٠	•		\$3	325,000.00					
Vendo	or:	Horvitz a	nd Levy						<u> </u>	
Purpose:		Authorizing the expenditure of funds for appellate services in following cases: Otay Acquisition, National Enterprise, and Border Business Park, Inc.								
Date:		May 1, 2002 By: May 1								ren
							, AU	DITOR AND	COMPTRO	LLER'S DEPARTMENT
ACCTC					AC	COUNTING DA	· · ·	חבייבי	1 1	
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT .
001	0	81140	81140	3501	4141	81141				\$325,000.00
			ļ							

R- 296543

AC-361 (REV 2-92)

MAY 2 8 2002

FUND OVERRIDE
AC 2201077

\$325,000.00

TOTAL AMOUNT