

RESOLUTION NUMBER 298415

ADOPTED ON SEP 23 2003

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE EXPENDITURE OF  
FUNDS FOR THE ACQUISITION OF PROPERTY  
WITHIN THE CHOLLAS CREEK ENHANCEMENT  
PROGRAM AREA.

WHEREAS, on May 14, 2002, the City Council adopted the "Chollas Creek Enhancement Program" to restore Chollas Creek to its natural state, create an attractive linear-park open space trail system including education/interpretive elements, public art and other amenities, and ultimately link San Diego's central mesas to San Diego Bay; and

WHEREAS, the Antoniades Family Trust is the fee title owner of approximately six acres of undeveloped land located on Home Avenue at Menlo Street within the Chollas Creek Enhancement Program area, including two acres of land suitable for development as a park, as specifically set forth in the Legal Description attached to this Resolution as Exhibit A [the Property]; and

WHEREAS, the Antoniades Family Trust has agreed to transfer the Property to the City in exchange for payment of \$800,000, and has further agreed that any appraised value amount in excess of \$800,000 shall be a donation to the City; and

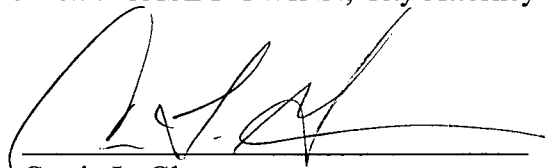
WHEREAS, staff has determined that the Property has a value of at least \$800,000;  
NOW, THEREFORE,

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

1. That the Council authorizes the City Auditor and Comptroller to transfer \$850,000 from C.I.P. No. 35-082.0, Main Library (Fund No. 102216) to C.I.P. No. 36-063.0, Police Garage Relocation (Fund No. 102216).
2. That the Council authorizes the City Manager to expend an amount not to exceed \$850,000 from C.I.P. No. 36-063.0, Police Garage Relocation (Fund No. 102216) for acquisition of the Property, as specifically described in Exhibit A attached, and for related costs of acquisition.
3. That, to the extent the appraised value exceeds the purchase price of \$800,000, the City Council accepts the generous donation by the Antoniadis Family Trust.

APPROVED: CASEY GWINN, City Attorney

By



Carrie L. Gleeson  
Deputy City Attorney

CLG:mm  
7/22/03  
Or.Dept:READ  
Aud.Cert: 2400096  
R-2004-166

LEGAL DESCRIPTION - EXHIBIT "A"

HOME AVENUE APN: 476-581-02-00

Lot 24 of WADSWORTH OLIVE GROVE ADDITION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 482, filed in the Office of the County Recorder of San Diego County, February 10, 1988.

EXCEPTING THEREFROM that portion of said lot lying Northwesterly of a line described as follows:

BEGINNING at the intersection of the South line of said Lot 24 with a line which is parallel with and 40.00 feet Southeasterly of, measured at right angles to the Northwesterly line of said Lot 24, being the Southeasterly line of that certain easement described in deed to the City of San Diego recorded September 30, 1938 in Book 840, Page 17 of Official Records; thence North  $40^{\circ} 35' 53''$  East along said parallel line, a distance of 859.63 feet to the beginning of a tangent 1040.00 foot radius curve, concave Northwesterly in said Southeasterly line; thence Northeasterly along the arc of said curve, a distance of 289.37 feet to the intersection with the Northwesterly line of Lot 25 of said Wadsworth Olive Grove.

ALSO EXCEPTING THEREFROM that portion of said lot lying Southeasterly of a line described as follows:

BEGINNING at the intersection of the Southerly line of said lot with the Northwesterly boundary of Delta Heights Annex Unit No. 2, according to Map thereof No. 3049, filed in the Office of the County Recorder of San Diego County, January 6, 1954; thence along said Northwesterly boundary and along the Northwesterly boundary of said Delta Heights, the following bearings and distances; North  $38^{\circ} 10' 28''$  East, 326.70 feet; North  $24^{\circ} 42' 33''$  East, 438.55 feet; North  $34^{\circ} 20' 20''$  East to the Northerly line of said lot.

R-298415

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2400096  
DEPT. \_\_\_\_\_  
NO. 70

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: \$850,000.00 Fund: 30244/102216

Purpose: Authorizing the transfer of funds from CIP 350820, Main Library to CIP 360630, Police Garage Relocation.

Date: July 22, 2003

By: *Jacq McClean*  
AUDITOR AND COMPTROLLER'S DEPARTMENT.

| ACCOUNTING DATA |       |       |       |      |         |           |                   |             |          |              |
|-----------------|-------|-------|-------|------|---------|-----------|-------------------|-------------|----------|--------------|
| ACCTG. LINE     | CY PY | FUND  | DEPT  | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT       |
| 1               |       | 30244 | 30244 | 115  | 4279    | 350820    |                   | 102216      |          | \$850,000.00 |
|                 |       |       |       |      |         |           |                   |             |          |              |
|                 |       |       |       |      |         |           |                   |             |          |              |
|                 |       |       |       |      |         |           |                   |             |          |              |
| TOTAL AMOUNT    |       |       |       |      |         |           |                   |             |          | \$850,000.00 |

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: \$850,000.00

Vendor: N/A

Purpose: Authorizing the expenditure of funds for the property acquisition and related costs of approximately 6 acres of land to be included within the Chollas Creek Enhancement Program.

Date: July 22, 2003

By: *Jacq McClean* *PM*  
AUDITOR AND COMPTROLLER'S DEPARTMENT.

| ACCOUNTING DATA |       |       |       |      |         |           |                   |             |          |              |
|-----------------|-------|-------|-------|------|---------|-----------|-------------------|-------------|----------|--------------|
| ACCTG. LINE     | CY PY | FUND  | DEPT  | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT       |
| 1               |       | 30244 | 30244 | 106  | 4638    | 360630    |                   | 102216      |          | \$850,000.00 |
|                 |       |       |       |      |         |           |                   |             |          |              |
|                 |       |       |       |      |         |           |                   |             |          |              |
|                 |       |       |       |      |         |           |                   |             |          |              |
| TOTAL AMOUNT    |       |       |       |      |         |           |                   |             |          | \$850,000.00 |

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2400096

R-298415

SEP 23 2003