

RESOLUTION NUMBER R- 298729

ADOPTED ON DEC 08 2003

WHEREAS, in Closed Session on October 14, 2003, the City Council, by the following vote: Yeas, Districts: 1, 2, 3, 4, 5, 6, 7, 8 and Mayor, Nays, None, Not Present, None, approved the following: NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$250,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIE 015747, *Calprop Corporation v. City of San Diego, et al.* resulting from the litigation commenced by Calprop Corporation, challenging a mitigated negative declaration approved for Sycamore Landfill Systems, Inc.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to reallocate the sum of \$250,000 of the San Diego Landfill System, Inc. Facility Franchise Fee deposit from the Recycling Fund 41210 to the Public Liability Fund 81140.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to enter into a contract to purchase 285.1 acres of land owned by Calprop in East Elliot for the total sum of \$250,000.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$250,000 made payable to Sycamore Landfill, Inc.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140.

APPROVED: CASEY GWINN, City Attorney

By



David A. King
Deputy City Attorney

DAK:slc
12/04/03
07/07/04 COR. COPY
Or.Dept: Risk Management
R-2004-661

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING


AC 2400584

DEPT. NO.: 757

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: \$250,000.00 Fund: 41210

Purpose: To authorize the transfer of funds to pay for settlement from CEQA action by CalProp Corporation City File # LP02-0752-3029

Date: December 3, 2003 By:  AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41210			9544					\$250,000.00
TOTAL AMOUNT										\$250,000.00

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

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DEC 08 2003

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