RESOLUTION NUMBER R- 298729 ADOPTED ON DEC 0 8 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

Amount:		he Treasury, or is anticipated to come into the Treasury, and \$250,000.00					Fund:	is otherwise unallotted. Fund: 41210			
		To authorize the transfer of funds to pay for settlement from CEQA action by CalProp Corporation City File # LP02-0752 3029									
		December 3, 2003				By:	By: AUDITOR AND COMPTROLLER'S DEPARTMENT				
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ACCTG.							OPERATION				
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