

RESOLUTION NUMBER R- 299591

ADOPTED ON SEP 07 2004

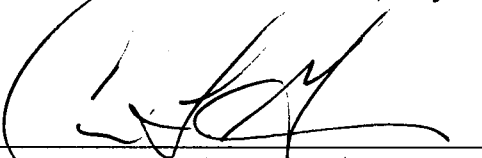
WHEREAS, the City of San Diego previously retained attorney Anna F. Roppo and the firm of Higgs, Fletcher & Mack to provide certain legal services in connection with the transition of the property at De Anza Cove to park and recreational use, including representing the City in *De Anza Cove HOA v. City of San Diego*, San Diego Superior Court Case No. GIC 821191; and

WHEREAS, attorney Anna F. Roppo has since joined the law firm of Duckor Spradling & Metzger [the Firm] and the City has continued to receive legal services from the Firm in connection with the *De Anza* matter; and

WHEREAS, additional services from the Firm are now needed by the City in connection with the *De Anza* matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is hereby authorized and directed to execute the fee agreement with Duckor Spradling & Metzger, for an additional amount not to exceed \$300,000, which agreement is on file in the office of the City Clerk as Document No. RR - 299591.

APPROVED: CASEY GWINN, City Attorney

By 

Carrie L. Gleeson
Deputy City Attorney

CLG:mm
08/24/04
Or.Dept:City Atty
Aud.Cert.:2500181
R-2005-208

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500181

ORIGINATING

DEPT. NO.: 045

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: _____ Fund: _____

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

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: \$300,000.00

Vendor: Duckor Spradling & Metzger, LLP

Purpose: Authorizing execution of the agreement and approval of funding for continued legal services by Duckor Spradling and Metzger, LLP, related to De Anza Homeowners Association, Inc. v. City of San Diego, in an amount not to exceed \$300,000.00.

Date: August 23, 2004

By: Leonard J. Alfante
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4141	081141				\$300,000.00
TOTAL AMOUNT										\$300,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2500181

R - 299591

SEP 07 2004