

RESOLUTION NUMBER R- 301053

ADOPTED ON NOV 21 2005

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. GIC 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, Latham & Watkins, attorneys at law, have been retained by the City of San Diego, to defend the City in the matters of Border Business Park, Inc., and related litigation; and

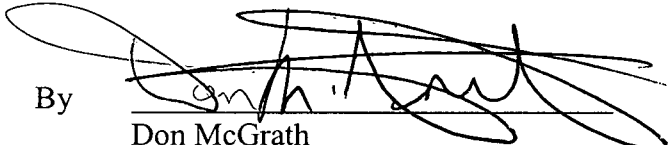
WHEREAS, the previous authorization for Latham & Watkins was in an amount not to exceed \$4,200,000; and

WHEREAS, additional services are needed from Latham & Watkins and the current authorization is insufficient for that purpose; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a third amendment to the Retainer Agreement by and between the City of San Diego and Latham & Watkins, for legal 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. GIC 692794, be and it is hereby authorized.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$250,000 from Liability Fund No. 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above agreement.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Don McGrath  
Executive Assistant City Attorney

LJG:ai  
09/23/05  
11/10/05 COR. COPY  
Or.Dept:ATTY  
R-2006-281

