RESOLUTION NUMBER R- **302265**

DATE OF FINAL PASSAGE ___ JAN 17 2007

WHEREAS, the City entered into a settlement agreement of <u>Westbrook Torrey Hills,</u>

<u>L.P. vs. City of San Diego,</u> SDSC Case No. GIC82339; and,

WHEREAS, pursuant to that settlement agreement Westbrook owed the City $600,000 in

order to satisfy its obligation under Torrey Hills Park Agreement Bond, and the City owed

Westbrook for the cost of construction of a street, retaining wall, and traffic signal; and,

WHEREAS, Westbrook submitted a check to the City for the net amount Westbrook

owed the City; and,

WHEREAS, the check was accepted and deposited by the City; and,

WHEREAS, with the monetary obligations fulfilled, the City must adjust its internal

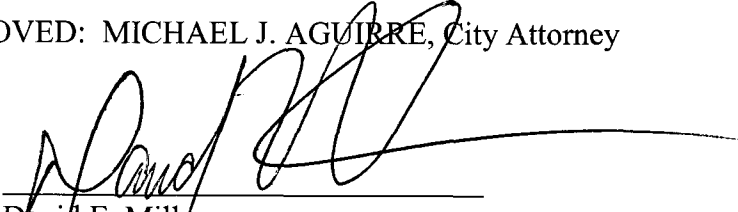accounts to reflect the transaction; NOW, THEREFORE,

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

1.   That the Auditor and Comptroller is hereby authorized to transfer the sum of

$300,000 from Fund No. 79008 (Carmel Valley South FBA) to Fund No. 10608 (Torrey Reserve

Gateway Development).

2.   That the City Auditor and Comptroller is authorized to de-appropriate $70,000

from Job Order No. 840519 (Tentative Map 840519 and Tentative Map 840520), return fund

balance to City Trust Account No. 63022.

3.   That the City Auditor and Comptroller is authorized to transfer $70,000 from City

Trust Fund Account No. 63022, to Fund No. 10608.

4.   That the City Auditor and Comptroller is authorized to deposit/credit $141,000

towards Westbrook's original obligation to Fund No. 10608, contingent upon reimbursement

from San Diego Association of Government [SANDAG].
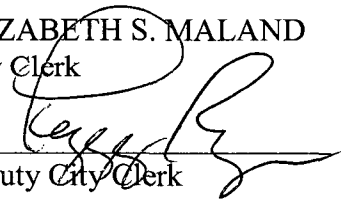
BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to State

CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
David E. Miller
Deputy City Attorney

DEM:cfq
09/07/06
Or.Dept:Planning:Comm.Investment
Aud.Cert.:2700141
R-2007-266
MMS#3751

I hereby certify that the foregoing Resolution was passed by the Council of the City of San
Diego, at this meeting of __JAN 09 2007__.

ELIZABETH S. MALAND
City Clerk

By_____
Deputy City Clerk

Approved: __1·17-07__
        (date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
        (date)

_____
JERRY SANDERS, Mayor

302265

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC _2700141_
ORIGINATING DEPT. NO.: _541_

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: _$370,000.00_ Fund: _79008/63022_

Purpose: _Authorizing the transfer of funds to satisfy terms of settlement - Westbrook Torrey Hills, L.P. Vs City of San Deigo._

Date: _August 30, 2006_ By: Yeshi Bezuneh _Yeshi Bezuneh_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	79008			9544					$300,000.00
002	0	93022			9544					70,000.00
									TOTAL AMOUNT	$370,000.00

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

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
									TOTAL AMOUNT	

AC-361 (REV 2-92)

FUND OVERRIDE ☐

2700141

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