

RESOLUTION NUMBER R- 303894

DATE OF FINAL PASSAGE JUN 25 2008

A RESOLUTION OF THE CITY COUNCIL TRANSFERRING FUNDS AND RELATED ACTIONS IN CONNECTION WITH ROAD REPAIRS ON SOLEDAD MOUNTAIN ROAD.

WHEREAS, the City is making repairs to Soledad Mountain Road, which was damaged by a landslide in October 2007, and

WHEREAS, in order to continue repairs while the City's request for state and federal funds is pending, it would be in the City's best interest to transfer funds from other Capital Improvement Program projects, to be repaid after state and federal funds are received; NOW, THEREFORE,

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

1. That in accordance with the Annual Appropriation Ordinance, the City Auditor and Comptroller is authorized to amend the Fiscal Year 2008 Capital Improvement Program budget by increasing CIP 52-805.0, Soledad Mountain Road Emergency Repair, by an amount not to exceed \$2,270,000.

2 That the City Auditor is authorized to transfer the amount of \$2,270,000 to TransNet Fund No. 30300, CIP 52-805.0, Soledad Mountain Road Emergency Repair, from the following accounts:

\$925,000 from CIP 52-679.0, Miramar Road
\$200,000 from CIP 52-676.0, Mira Sorrento Place
\$380,000 from CIP 68-006.0, Guard Rails
\$200,000 from CIP 68-001.0, Cooperative Signal Projects
\$ 50,000 from CIP 58-001.0, New Developments
\$270,000 from CIP 52-716.7, West Point Loma Sidewalk
\$245,000 from CIP 52-719.0, Mission Beach Boardwalk Bulkhead

3. That the expenditure of an amount not to exceed \$2,270,000 from TransNet Fund No. 30300, CIP 52-805.0, Soledad Mountain Road Emergency Repair, is authorized, solely and exclusively to provide funds for repairs to Soledad Mountain Road.

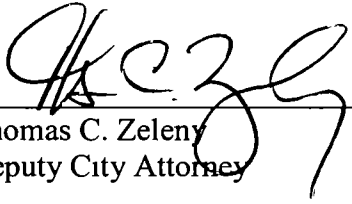
4. That the Mayor or his designee is authorized to reimburse the above CIP project funds with state and federal money when received.

5 That the City Auditor is authorized to re-appropriate funds to the originating sources within TransNet Fund No. 30300 as identified above, or to return excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

6. That this activity is statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15269(a) because this activity is taken to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as the result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
06/12/08
Aud.Cert:2800889
Or.Dept:Eng&CP
R-2008-1162

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego,
at its meeting of JUN 24 2008.

ELIZABETH S MALAND, City Clerk

By 
Deputy City Clerk

Approved: 6-25-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2800889

DEPT NO 547

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 \$2,270,000 00 Fund 30300

Purpose To authorize the transfer of appropriations from various TransNet funded CIP projects to the Emergency Repair of Soledad Mountain Road All funding sources are intended to be refunded in the future by Federal and State grant funding This brings total current funding to \$9,770,000 Additional expenditure authorizations will occur as funding is identified and becomes available

Date June 10, 2008 By Caryn McGuff 

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	30244	30244	107	4279	526790		30300		\$925,000 00
2	0	30244	30244	107	4279	526760		30300		\$200,000 00
3	0	30244	30244	108	4279	680060		30300		\$380,000 00
4	0	30244	30244	108	4279	680010		30300		\$200,000 00
5	0	30244	30244	107	4279	580010		30300		\$50,000 00
6	0	30244	30244	107	4279	527167		30300		\$270,000 00
7	0	30244	30244	107	4279	527190		30300		\$245,000 00
TOTAL AMOUNT										\$2,270,000 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 June 10, 2008 By _____

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

AC-361 (REV 2-92)

FUND OVERRIDE

R 303894

JUN 24 2008 AC 2800889

RESOLUTION NUMBER R- 3389~~5~~

DATE OF FINAL PASSAGE JUN 26 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING SETTLEMENT OF ALL PENDING CLAIMS OF THE MT. SOLEDAD MEMORIAL ASSOCIATION, INC., AGAINST THE CITY AND ASSIGNMENT OF CERTAIN FEDERAL EMINENT DOMAIN PROCEEDS

WHEREAS, the Mt. Soledad Memorial Association, Inc., paid to the City of San Diego \$106,000 [Purchase Money] for the purchase of the City's Mt. Soledad Memorial property [Memorial Property], and

WHEREAS, the sale of the Memorial Property was voided by a federal court in the case of *Philip Paulson v City of San Diego*, United States District Court Case No. 89cv00820 GT (POR); and

WHEREAS, the City has not yet refunded the Purchase Money to the Association; and

WHEREAS, the Association has a pending claim against the City for the Purchase Money, with interest, and the improvements it made on the Memorial Property, totaling \$1,211,030.57; and

WHEREAS, on August 14, 2006, Congress transferred title to the Memorial Property to the Federal Government by way of an immediate legislative taking, for which the City is entitled to be compensated. *See* the Preservation of Mt. Soledad Veterans Memorial Act, Pub. L. No. 109-272, § 2, 120 Stat. 770 (2006) [Preservation Act]; and

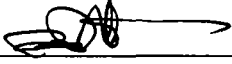
WHEREAS, as a result of settlement discussions between the City Attorney and the Association, the Association has agreed to release all pending claims it has against the City, including without limitation any claim to the Purchase Money, with interest, if the City will assign to the Association all of its interest in the proceeds it is entitled to receive pursuant to the Preservation Act; and

WHEREAS, the Council of the City of San Diego finds it to be on the best interests of The City of San Diego to enter into a settlement agreement with the Association; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Attorney is authorized, on behalf of The City of San Diego [City], to enter into a settlement agreement [Agreement] with the Mt. Soledad Memorial Association, Inc. [Association], whereby the Association releases all claims it may have against the City, including without limitation all monies [Purchase Money] paid by the Association to the City for the purchase of the City's Mt. Soledad Memorial property, including without limitation any claim to interest thereon, in return for the City's assignment to the Association of all federal condemnation proceeds the City is entitled to receive from the United States of America as a result of the Preservation of Mt. Soledad Veterans Memorial Act, Pub. L. No. 109-272, 120 Stat 770 (2006); and

BE IT FURTHER EESOLVED, upon execution and delivery of the Agreement, the Auditor and Comptroller is authorized to release any restrictions on the Purchase Money held by the City, including without limitation any interest earned thereon.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By: 
George F. Schaefer
Deputy City Attorney

GFS:gb
05/29/2008
Aud. Cert.: N/A
Or.Dept:CA
R-2008-1119

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 24 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-26-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor