

RESOLUTION NUMBER R- 308604

DATE OF FINAL PASSAGE DEC 24 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN INCREASE TO THE CAPITAL IMPROVEMENTS PROGRAM (CIP) BUDGET AND TO APPROPRIATE AND EXPEND \$1,500,000 TO RELOCATE TWO HOMES ASSOCIATED WITH THE ACADEMY OF OUR LADY OF PEACE SETTLEMENT AND RELATED ACTIONS.

WHEREAS, the Academy of Our Lady of Peace (OLP) filed a lawsuit against the City of San Diego for allegedly violating the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) because the City failed to approve the land use permits necessary to allow OLP to construct a new classroom building and a two-story parking structure on the OLP campus; and

WHEREAS, in March 1, 2013, the City of San Diego agreed to a Court issued Final Consent Decree in order to settle the RLUIPA claims that OLP alleged and as a part of the Final Consent Decree, the City agreed to remove the two (2) single family dwellings (SFD) from OLP's property in which removal shall occur no later than May 1, 2014, unless a new date is agreed by the City and OLP and approved by the Court; NOW, THEREFORE,

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

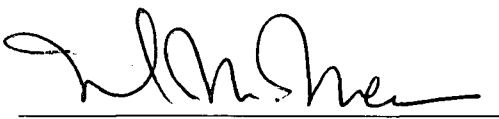
1. That in accordance with the Annual Appropriation Ordinance, the Chief Financial Officer is authorized to increase the Fiscal Year 2014 Capital Improvements Program budget in WBS No. A-BT.00001, Annual Allocation-City Facilities Improvements, for the (Academy of Our Lady of Peace House Relocation) project by an amount not to exceed \$1,500,000.

2. That the appropriation and expenditure of an amount not to exceed \$1,500,000 from Fund 400002, Capital Outlay, is authorized solely and exclusively for the purpose of providing funds in WBS No. A-BT.00001, Annual Allocation-City Facilities Improvements, for

the (Academy of Our Lady of Peace House Relocation) project, provided that the Chief Financial Officer first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasury.

3. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mark M. Mercer
Deputy City Attorney

MMM:cw
11/20/13
Or.Dept: Public Works/Engineering-PITS
CC No.: N/A
Doc. No.: 678192

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

(date)

TODD GLORIA, Council President

Passed by the Council of The City of San Diego on DEC 10 2013, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 24 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Zumaiga*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- **308604**