

RESOLUTION NO. 204959 FEB 22 1972

GRANTING TIME EXTENSION OF 25 DAYS
FOR COMPLETION OF OLIVE GROVE PARK,
AND WAIVING ALL EXCEPT \$9,173.39 OF
THE LIQUIDATED DAMAGES.

WHEREAS, Parkway Plumbing Co., Inc. has failed to pay its subcontractors and finish job construction of Olive Grove Park under the contract on file in the office of the City Clerk as Document No. 732248, and

WHEREAS, St. Paul Fire & Marine Insurance Company, bonding agent for Parkway Plumbing Co., Inc., has stepped in in place of said Parkway Plumbing Co., Inc., and completed the job construction and paid the subcontractors on said Olive Grove Park, and

WHEREAS, the job construction was not completed within the time limit stated in the contract, but was completed 246 days after the required date of completion, and

WHEREAS, 25 days of said delay were due to inclement weather and similar reasons, and 221 days of said delay were due to no specific cause other than problems caused by contractor's failure to perform, and

WHEREAS, under the contract provisions, liquidated damages were specified to be \$100 per day, causing an amount of \$22,100 to be currently withheld as liquidated damages, and

WHEREAS, the City records indicate that the costs on said Olive Grove Park were in fact \$9,173.39 greater than originally estimated due to said delay in construction, and

WHEREAS, St. Paul Fire & Marine Insurance Company was informed that said \$9,173.39 is the amount of City's damages by letter dated December 27, 1971, and St. Paul Fire & Marine Insurance Company approved said amount as being City's actual damages incurred by reason of said delay by letter dated January 3, 1972, copies of which letters are on file with the Clerk of City as Document No. 739114, NOW, THEREFORE

BE IT RESOLVED, by the Council of The City of San Diego, that time extension of 25 days is hereby granted to the St. Paul Fire & Marine Insurance Company as bonding agent for Parkway Plumbing Co., Inc., and

BE IT FURTHER RESOLVED, that all except \$9,173.39 of the liquidated damages now retained under the provisions of the contract documents is hereby waived and said \$9,173.39 is hereby accepted in settlement for City's damages incurred due to the delay in completion of said Olive Grove Park.

APPROVED: JOHN W. WITT, City Attorney

By H. Valderhaug
Harold Valderhaug, Deputy

HV:rp
2/9/72
Revised
2/18/72

204959

FEB 22 1972

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1972 FEB 16 AM 11:13
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *Janita A. Dillon*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **201959** Adopted **FEB 22 1972**
efh