

RESOLUTION NO. R-260538

APR 23 1984

(R-84-1810)

WHEREAS, in Closed Session on April 10, 1984, the City Council by the following vote: Yeas: Districts 1, 2, 3, 5, 6, 7, 8 and Mayor Hedgecock; Not Present: District 4, approved the following; NOW, THEREFORE,

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

That the City Manager be and he is authorized and empowered to pay the total sum of \$110,000.00 in settlement of Superior Court Case No. 498431, Am-Sod, Inc., et al. v. The City of San Diego, et al., and of each and every claim against the City, its agents and employees, resulting from property damage to the property of Am-Sod, Inc. and Floyd Wirthlin.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$100,000.00 made payable to Am-Sod, Inc. and Floyd Wirthlin, and one check in the amount of \$10,000.00 made payable to the Law Firm of Klitgaard & Jones, in full settlement of the lawsuit and of all claims.

APPROVED: JOHN W. WITT, City Attorney

BY C. Alan Sargent  
for Ronald L. Johnson, Senior Chief Deputy

RLJ/AS/jkp:Lit.

4/17/84

Aud.Cert. #84772 & 84773

Or.Dept.: Risk Mgmt.

00606

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

CERTIFICATION OF UNALLOTTED BALANCE      AC 84772

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 \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

\_\_\_\_\_  
Auditor and Comptroller

Date \_\_\_\_\_, 19\_\_\_\_ By \_\_\_\_\_

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

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 moneys 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 \$ 100,000.00

*[Signature]*  
\_\_\_\_\_  
Auditor and Comptroller  
*[Signature]*  
Theresa S. Robinson

Dated April 17, 1984 BY \_\_\_\_\_

PURPOSE Settlement of Property Damage Claim of Am-Sod, Inc. and Floyd Wirthlin

VENDOR AM-SOD, INC. and FLOYD WIRTHLIN

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	60106				\$100,000.00
TOTAL AMOUNT										\$100,000.00

FUND OVERRIDE

00607

R- 260538

APR 23 1984

AC 84772

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

CERTIFICATION OF UNALLOTTED BALANCE AC \_\_\_\_\_

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 \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

\_\_\_\_\_  
Auditor and Comptroller

Date \_\_\_\_\_, 19\_\_\_\_

By \_\_\_\_\_

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

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 moneys 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 \$ 10,000.00

*Dr. Ryan*

\_\_\_\_\_  
Auditor and Comptroller  
*Theresa J. Robinson*

Dated April 17, 19 84

BY \_\_\_\_\_

PURPOSE Settlement of Property Damage Claim of Am-Sod, Inc. and Floyd Wirthlin

VENDOR LAW FIRM OF KLITGAARD & JONES

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	60106				\$10,000.00
TOTAL AMOUNT										\$10,000.00

FUND OVERRIDE

00608

NR-260538

APR 23 1984 AC 84773

00609

APR 23 1984

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-260538* Adopted *APR 23 1984*