

(R-85-2584)

RESOLUTION NUMBER R- 263681

ADOPTED ON JUL 15 1985

WHEREAS, in Closed Session on June 18, 1985, the City Council, by the following votes: Yeas: Districts 1, 2, 3, 4, 5, 6, 7 and the Mayor; Not Present: District 8, approved the settlement of Superior Court Case No. 505845, Michael F. and Rae Woolrich et al. v. City of San Diego, et al., in the amount of \$1,671,615; NOW, THEREFORE,

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

1. That the City Manager be and he is hereby authorized and empowered to pay the sum of \$1,671,615 in the settlement of Superior Court Case No. 505845, Michael F. and Rae Woolrich, et al. v. City of San Diego, et al., and each and every claim against The City of San Diego, its agents and employees, resulting from flood damage of plaintiffs' properties on Paxton Drive and Lauriston Drive, San Diego.

2. That the City Auditor and Comptroller be and he is hereby authorized to issue warrant checks in the following amounts: \$1,510,725.75 payable to Gary S. Elster, Client Trust Account; \$38,698.50 payable to Insurance Co. of North America and Daniel R. Espinosa; \$122,190.75 payable to Hinchy, Witte, Wood, Anderson & Hodges, Client Trust Account, in full settlement of the lawsuit and of all claims.

3. That the City Auditor and Comptroller be and he is hereby authorized to accept the check in the amount of \$240,000 from co-defendant Metropolitan Transit Development Board as payment of its and San Diego Trolley, Inc.'s and San Diego and Arizona Eastern Railway Company's portion of the total settlement with plaintiffs.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz
for C. Alan Sumption, Chief Deputy

CAS:smm:Lit.
7/10/85
Or.Dept:Atty
Aud.Cert:86089,86090,86091
R-85-2584
Form=r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86089

ORIGINATING DEPT. NO.: 084

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	OPER. ACCT.	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 \$ 1,510,725.75

DR Ryan

Auditor and Comptroller

Dated July 9, 19 85

BY *Lane Bradley*

PURPOSE Settlement of Property damage and Personal injury claims of Michael F. and Rae Woolrich, et al.

VENDOR GARY S. ELSTER, CLIENT TRUST ACCOUNT

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	060106				\$1,510,725.75
TOTAL AMOUNT										\$1,510,725.75

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86090

ORIGINATING DEPT. NO.: 084

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	OPER. ACCT.	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 \$ 38,698.50

DR Ryan

Auditor and Comptroller

Dated July 9, 19 85

BY *Liane Bradley*

PURPOSE Settlement of property damage and personal injury claims of Michael F. and Rae Woolrich, et al.

VENDOR INSURANCE CO. OF NORTH AMERICA AND DANIEL R. ESPINOSA

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
<u>1</u>			<u>601</u>	<u>106</u>	<u>4824</u>	<u>060106</u>				<u>\$38,698.50</u>
TOTAL AMOUNT										<u>\$38,698.50</u>

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86091

ORIGINATING DEPT. NO.: 084

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	OPER. ACCT.	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 \$ 122,190.75

Dr. Ryan

Auditor and Comptroller

Dated July 9, 19 85

BY *Liane Bradley*

PURPOSE Settlement of property damage and personal injury claims of Michael F. and Rae Woolrich, et al.

VENDOR HINCHY, WITTE, WOOL, ANDERSON & HODGES, CLIENT TRUST ACCOUNT

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	060106				\$122,190.75
TOTAL AMOUNT										\$122,190.75

FUND OVERRIDE

2401

JUL 15 1985

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"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *Barbara Baxter* , Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-263681** Adopted **JUL 15 1985**