

(R-86-224)

RESOLUTION NUMBER R- 263848

ADOPTED ON AUG 12 1985

A RESOLUTION APPROVING THE COURT ORDERED PAYMENT IN THE CASE OF GENERAL TELEPHONE COMPANY v. CITY OF SAN DIEGO, SUPERIOR COURT CASE NO. 463619 AND ALL CONSOLIDATED CASES THEREWITH, IN THE AMOUNT OF \$831,936.17 REGARDING FLOOD DAMAGES IN THE TIA JUANA RIVER AREA, WHICH OCCURRED IN JANUARY AND FEBRUARY, 1980.

WHEREAS, flood damages were suffered in the Tia Juana River area in January and February of 1980; and

WHEREAS, as a result thereof, litigation was initiated against The City of San Diego by eleven (11) named plaintiffs for damages suffered; and

WHEREAS, the demands of the plaintiffs and defense by the City were presented to the Court and a judgment rendered therein by the Court in favor of plaintiffs in the sum of \$831,936.17; and

WHEREAS, it is now necessary and appropriate to present said order for payment to the Council for approval; NOW, THEREFORE,

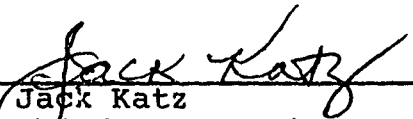
BE IT RESOLVED, by the Council of The City of San Diego, that the judgment of the Superior Court for payment of damages in the case of General Telephone Company v. City of San Diego, Superior Court Case No. 463619 and all consolidated cases therewith in the amount of \$831,936.17, as damages and interest, regarding flood damages in the Tia Juana River area which occurred in January and February, 1980, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is hereby authorized to issue five checks in the following amount from the Sewer Revenue Fund 41506 made payable as follows:

1. California Leasing Corporation - \$415,923.94;
2. Nick and Theodora Cappos - \$209,079.63;
3. Arnold A. and Belva A. Ariaudo - \$146,273.80;
4. George Tachiki - \$43,867.10; and
5. Tiburcio A. and Antonia O. Martinez - \$16,791.70.

APPROVED: John W. Witt, City Attorney

By



Jack Katz
Chief Deputy City Attorney

JK:mem
8/6/85
Or.Dept:Risk Mgmt.
Aud.Cert:86171,86172
86173,86174,86175
R-86-224
Form=r.none

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86171

ORIGINATING DEPT. NO. _____

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 \$ 415,923.94 _____

Dee Ryan
 Auditor and Comptroller

Dated August 7, 1985 BY Liane Bradley

PURPOSE Settlement of property damage litigation of General Telephone Company v. City of San Diego et al.

VENDOR CALIFORNIA LEASING CORPORATION

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1	1		700	102	4824	4203				\$415,923.94
TOTAL AMOUNT										\$415,923.94

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86172

ORIGINATING
DEPT. NO. _____

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 \$ 209,079.63

CP Ryan

Auditor and Comptroller

Dated August 07, 19 85

BY *Liane Bradley*

PURPOSE Settlement of property damage litigation of General Telephone Company v. City of San Diego et al.
 VENDOR NICK AND THEODORA CAPPOS

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1	1		700	102	4824	4203				\$209,079.63
TOTAL AMOUNT										\$209,079.63

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86173

ORIGINATING DEPT. NO. _____

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 \$ 146,273.80

DR Ryan
 Auditor and Comptroller

Dated August 7, 19 85

BY Laine Bradley

PURPOSE Settlement of property damage litigation of General Telephone Company v. City of San Diego et al.

VENDOR ARNOLD A. AND BELVA A. ARIAUDO

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1	1		700	102	4824	4203				\$146,273.80
TOTAL AMOUNT										\$146,273.80

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86174

ORIGINATING DEPT. NO. _____

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 \$ 43,867.10

[Signature]

Auditor and Comptroller

Dated August 7, 1985

BY *[Signature]*

PURPOSE Settlement of property damage litigation of General Telephone Company v. City of San Diego et al.

VENDOR GEORGE TACHIKI

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1	1		700	102	4824	4203				\$43,867.10
TOTAL AMOUNT										\$43,867.10

FUND OVERRIDE

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86175

ORIGINATING DEPT. NO. _____

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

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Not to exceed \$ 16,791.80

DR Ryan

Auditor and Comptroller

Dated August 7, 19 85

BY *Liane Bradley*

PURPOSE Settlement of property damage litigation of General Telephone Company v. City of San Diego et al.

VENDOR TIBURCIO A. AND ANTONIA O. MARTINEZ

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1	1		700	102	4824	4203				\$16,791.80
TOTAL AMOUNT										\$16,791.80

FUND OVERRIDE

AUG 12 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 Struiksm	<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 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.

(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-263848* Adopted AUG 12 1985