

RESOLUTION NUMBER R- 265538

ADOPTED ON APR 28 1986

WHEREAS, in Closed Session on March 10, 1986, the City Council, by the following vote: Yeas: Districts 1, 2, 3, 4, 5, 6 and 7; Naes, District 8.

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

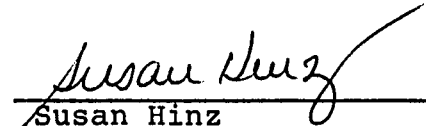
BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to execute and enter into a Settlement Agreement dated March 10, 1986, a copy of which is on file in the Office of the City Clerk as Document No. RR- 265538-1 in full settlement of all claims made in the lawsuit entitled Thomas Carter and Cal Street Builders v. City Council of the City of San Diego, et al., Superior Court Case No. 534910, regarding the development of a project known as "Golden Hill Villas", PRD 85-0797.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to pay the sum of \$250,000.00 in the settlement of Superior Court Case No. 534910, Thomas Carter and Cal Street Builders v. City Council, The City of San Diego, et al., pursuant to and in accordance with all the terms and conditions contained in the Settlement Agreement dated March 10, 1986 regarding a lawsuit filed February 1, 1985 by plaintiffs' concerning development of a project known as "Golden Hill Villas".

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute, accept and enter into the Negative Easement Agreement, a copy of which is on file in the Office of the City Clerk as Document No. RR- 265538-2, and incorporated into and made a part of the Settlement Agreement dated March 10, 1986 between Thomas Carter and Cal Street Builders and the City of San Diego thereby accepting .67 acres of open space or "BUFFER area" within the "Golden Hill Villas" development.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check to Thomas Carter and Cal Street Builders and their attorney of record, James Dawe, in the amount of \$250,000.00 in full settlement of the lawsuit and all claims.

APPROVED: John W. Witt, City Attorney

By 
Susan Hinz
Deputy City Attorney

SH:vtc:Lit
05/05/86 Rev. 2
Aud.Cert:
Or.Dept:Risk Mgmt
R-86-2045
Form=r.claim2

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86884

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 \$ 250,000.00

DR Ryan

Auditor and Comptroller

Dated April 24, 19 86

BY *Jeff Hawkins*

PURPOSE Settlement of property damage claim of Thomas Carter.

VENDOR THOMAS CARTER AND HIS ATTORNEY JIM DAWSON

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	060106				\$250,000.00
TOTAL AMOUNT										\$250,000.00

FUND OVERRIDE

5408

APR 28 1986

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Judy McCarty	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

(Seal)

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

By *June A. Blackhall*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-265538 Adopted APR 28 1986

RECEIVED
CITY CLERK'S OFFICE

1986 MAY -8 PM 3:52

SAN DIEGO, CALIF.

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1986 MAY 8

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