

(R-88-482)

RESOLUTION NUMBER R- 269352

ADOPTED ON SEP 28 1987

WHEREAS, in Closed Session on May 19, 1987, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 5, 6 and the Mayor; Not Present, Districts 4, 7 and 8, approved the settlement of Superior Court Case No. 514109, Ballard, et al. v. City of San Diego, et al. in the amount of \$321,836.00 as to all parties, NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$26,817.69 as to plaintiffs Calvin and Mary L. Byrd in the settlement of their claim against The City of San Diego, its agents and employees, in Ballard, et al. v. City of San Diego, et al., Superior Court Case No. 514109 for damages due to flooding.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$26,817.69, made payable to Calvin and Mary L. Byrd and their attorney of record in full settlement of the lawsuit and of all claims.

00882 .

APPROVED: John W. Witt, City Attorney

By C. Alan Sumption
C. Alan Sumption
Chief Deputy City Attorney

CAS:ib
09/17/87
Aud.Cert:8800294
Or.Dept:Risk Mgt.
R-88-482
Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8800294

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 _____

Date _____, 19____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

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 \$ 26,817.60

Vendor CALVIN & MARY C BYRD & THE LAW FIRM OF JENNINGS, ENGSTRAND & HENRIKSON

Purpose Authorizing expenditure of funds for settlement of property damage claim of Tom Ballard, et al (City File: LP83-0534-0321)

Date September 16, 1987 By: Lillian Reese

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4824	060106				\$26,817.60
TOTAL AMOUNT										\$26,817.60

FUND OVERRIDE

R-269352

SEP 28 1987

00884

AC 8800294

SEP 28 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
Ed Struiksmā	<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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Blonda B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-269352* SEP 28 1987
 Number Adopted