RESOLUTION NUMBER R- 273705 ADOPTED ON JUN 12 1989

WHEREAS, in Closed Session on February 7, 1989, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8; Not Present, the Mayor, approved the settlement of the Superior Court Cases, Tom Ballard, et al. v. The City of San Diego, et al., No. 514109; Calvin Byrd, et al. v. The City of San Diego, et al., No. 553038; and Calvin Byrd, et al. v. The City of San Diego, et al., No. 576127, in the amount of \$39,105.82 to be paid to plaintiffs and for other consideration as set forth below; NOW, THEREFORE,

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

That the City Manager be and he is hereby authorized and empowered to pay the total sum of \$39,105.82 in the settlement of cases, Tom Ballard, et al. v. The City of San Diego, et al., No. 514109; Calvin Byrd, et al. v. The City of San Diego, et al., No. 553038; and Calvin Byrd, et al. v. The City of San Diego, et al., No. 576127, and each and every claim against The City of San Diego, its agents and employees, resulting from flood damage of plaintiffs properties in the area of 19th and Palm, San Diego, California.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue warrant checks in the following amounts: \$9,105.82, made payable to Protective National Insurance Company and Cravins, Dargan and Company and their attorney John M. Coleman; \$30,000.00 made payable to Jennings, Engstrand and Henrikson.

That the City Manager be and he is hereby authorized, empowered and directed to initiate an assessment district providing for the following improvements to Donax and Dahlia Avenues between 18th Street and Saturn Boulevard: Streets, curbs, gutters, sidewalks and drains including a pump station; to pay one-half of the estimated costs to construction of these improvements as a City contribution to said assessment district in the amount of \$285,450.00 in addition to paying assessments for City owned property in the estimated amount of \$35,680.00.

APPROVED: John W. Witt, City Attorney

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C. Alan Sumption

Deputy City Attorney

CAS:dk:Lit. 05/31/89

Aud.Cert:8900775

Or.Dept:Risk Mgmt

R - 89 - 2412

Form=r.claim

The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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Note: Budget Adjustment "in process" to transfer funds from 601/124 to 601/106.

JUN 121989 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 ₩. Ron Roberts V Gloria McColl H. Wes Pratt Ed Struiksma J. Bruce Henderson Judy McCarty **Bob Filner** Mayor Maureen O'Connor MAUREEN O'CONNOR **AUTHENTICATED BY:** Mayor of The City of San Diego, California. CHARLES G. ABDELNOUR City Clerk of The City of San Diego, California. (Seal) Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution—273705 Adopted

JUN 121989