

(R-89-2412)

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

By 
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

R-273705

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8900775

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 \$ 39,105.82

Vendor Protective National Insurance Co. and Cravens, Dargan & Co. and John M. Coleman Atty./Jennings, Engstrand, & Hendrickson.

Purpose Authorizing the expenditure of funds in settlement of property damage claim of Tom Ballard, City file: LP83-5407-0321.

Date March 10, 1989 By: *Katherine P. Rice*
 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	60106				\$39,105.82
TOTAL AMOUNT										\$39,105.82

FUND OVERRIDE

AC-381 (REV 3-88)

Note: Budget Adjustment "in process" to transfer funds from 601/124 to 601/106. AC 8900775

JUN 12 1989 **2273705**

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-273705* Adopted *JUN 12 1989*