

(R-90-97)

RESOLUTION NUMBER R- 274077

ADOPTED ON JUL 24 1989


WHEREAS, in Closed Session on July 11, 1989, the City Council, by the following vote: Yeas, Districts 1, 3, 5, 6, 7 and the Mayor; Not Present, Districts 2, 4, and 8, approved the settlement of Superior Court Case No. 588101, Gilbert Myers, et al. v. City of San Diego, et al. in the amount of \$440,000.00 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 \$440,000.00 to plaintiffs Gilbert B. and Mary P. Myers, in the settlement of their claims against The City of San Diego, its agents and employees, in Myers, et al. v. City of San Diego, et al., Superior Court Case No. 588101 for damages due to land subsidence to the real property at 1938 Nautilus Street, San Diego.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$440,000.00, made payable to Gilbert B. and Mary P. Myers and their attorney of record Richard Elliott of McInnis, Fitzgerald, Rees, Sharkey & McIntyre in full settlement of the lawsuit and of all claims.

APPROVED: John W. Witt, City Attorney

By 
Leslie J. Girard
Deputy City Attorney

LJG:vtc:Lit.

07/11/89

Aud.Cert: 9000116

Or.Dept:Risk Mgmt

R-90-97

Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 9000116

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 \$ 440,000.00

Vendor Gilbert B. and Mary P. Myers and their attorney Richard Elliott.

Purpose Authorizing the expenditure of funds for settlement of Property Damage Claim of
Gilbert B. and Mary P. Myers, City File: LP88-0540-0530.

Date July 19, 1989

By: 

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				\$440,000.00
TOTAL AMOUNT										\$440,000.00

AC-361 (REV 3-88)

FUND OVERRIDE ☐

R - 274077

JUL 24 1989

AC 9000116

#5402

JUL 24 1989

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Maybell L. Portecorn, Deputy.

Office of the City Clerk, San Diego, California

Resolution
Number

R-274077

Adopted

JUL 24 1989

89 JUL 19 PM 3:50

381 E. 14th St.
San Francisco, CA

JUL 19 1989

[Handwritten signature]

RECEIVED

- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100
- Section 100-100-100-100

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40

JUL 19 1989