(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

Heslie 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

Amount \$						Fund				
Purj	pose_				- · · · · · · · · · · · · · · · · · · ·					
ate			, l	9	7	Ву:		AUDITOR AN	ID COMPTROL	LER'S DEPARTMENT
					ACC	OUNTING	DATA			
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
				<u> </u>						•
			<u> </u>							
	لـــــا		<u> </u>	L	L	L		TOTAL A	MOUNT	
ovisio	ent au ons of	thorized the Cha	CERT: d by the larter of t	IFY that hereto at the City	the indeb tached reso of San Die	tedness a olution, o go; and I	can be incu do hereby	ition to be irred witho further ce	incurred out the vi rtify, in d	d by the contract olation of any of conformity with
ovision quire la urpose reasure ar la urpose reasure reasur	ent au ons of ments e of sa y, or e to b ated to Excee	thorized the Charles of the Charles antipe drawr to come and the Charles are antipe drawr to come and \$\frac{44}{2}\$	CERT: d by the larter of the charter of the cipated and the conduction of the conduc	IFY that hereto at the City of the Cit tsufficie to come nat the sa Treasur	the indeb tached reso of San Die y of San Di nt moneys into the Taid moneys y, to the cr	tedness a olution, o go; and I ego, that to meet t reasury, t s now act redit of sa their a	and obligation be incuited to hereby sufficient the obligation the creditually in the did appropriate torney. It is a sufficient torney. It is an about the creditude of the cre	ation to be arred without further ce moneys had it of the appearance or interest and the Treasurb riation, and the Treasurb riation of	incurred out the virtify, in on twe been a d contract opropriate y, togethe e otherw	olation of any of conformity with appropriated for ct are actually in tion from which ner with the monvise unencumber
rovision control contr	ent au ons of ments e of sa y, or e to b ated to Excee	thorized the Charles of the Charles antipe drawr to come and the Charles are antipe drawr to come and \$\frac{44}{2}\$	CERT: d by the larter of the charter of the cipated and the conduction of the conduc	IFY that hereto at the City of the Cit tsufficie to come nat the sa Treasur	the indeb tached reso of San Die y of San Di nt moneys into the Taid moneys y, to the cr	tedness a olution, o go; and I ego, that to meet t reasury, t s now act redit of sa their a	and obligation be incuited to hereby sufficient the obligation the creditually in the did appropriate torney. It is a sufficient torney. It is an about the creditude of the cre	ation to be arred without further ce moneys had it of the appearance or interest and the Treasurb riation, and the Treasurb riation of	incurred out the virtify, in on twe been a d contract opropriate y, togethe e otherw	olation of any of conformity with appropriated for ct are actually in tion from which ner with the mon
rovision rovision rovision reasuraticipa rot to rendor urpos	ent au ons of ments e of sa ry, or e to b ated to Excee Gil e Aut oert	thorized the Charles of the Charles antipe drawr to come the compared \$ 44 the charles are antiped \$ 44	CERT d by the larter of the charter of the cipated a, and the cipated and Mand Mand the cipated and Mand Mand Mand Mand Mand Mand Mand M	IFY that hereto at the City of the City of the City to come nat the sa Treasur 100 ary P. Mexpendit Myers,	the indeb tached reso of San Die y of San Di nt moneys into the Taid moneys y, to the cr	tedness a olution, o go; and I ego, that to meet t reasury, s now act redit of sa their a	and obligation be incured to hereby sufficient the obligation the creditually in the id appropriate torney. It is settlement.	etion to be arred without further ce moneys had it of the apple Treasurpriation, and the control of Prosections.	incurred but the virtify, in one we been a discontrate by, together where the otherwards.	olation of any of conformity with appropriated for ct are actually in tion from which ner with the monvise unencumber
rovision quirent urpose reasurement are	ent au ons of ments e of sa ry, or e to b ated to Excee Gil e Aut oert	thorized the Charles of the Charles antipe drawr to come the come	CERT d by the larter of the charter of the charter of the larter of the	IFY that hereto at the City of the City of the City to come nat the sa Treasur 100 ary P. Mexpendit Myers,	the indeb tached resc of San Die y of San Di nt moneys into the T nid moneys y, to the cr	tedness a colution, of go; and I lego, that to meet to reasury, is now actived to find their a linds for LP8	and obligation be incuded to hereby sufficient the obligation the creditually in the indapproper terms of the settlements of the creditually in the indapproper terms of the creditually in the indapproper terms of the creditual indapproper terms of the creditual indapproper industrial i	etion to be arred without further ce moneys had it of the apple Treasurpriation, and the control of Prosections.	incurred but the virtify, in one we been a discontrate by, together where the otherwards.	olation of any of conformity with appropriated for ct are actually in tion from which her with the monvise unencumber was amage Claim of
ovision quirent in post reasurement icipa ot to endor urpos G111 ate	ent au ons of ments e of sa ry, or e to b ated to Excee Gil e Aut oert	thorized the Charles of the Charles antipe drawr to come the come	CERT d by the larter of the charter	IFY that hereto at the City of the City of the City to come nat the sa Treasur 100 ary P. Mexpendit Myers,	the indeb tached resc of San Die y of San Di nt moneys into the T nid moneys y, to the cr	tedness a colution, of go; and I go; and I go; that to meet to meet to meet to mow according to some a	and obligation be incuded to hereby sufficient the obligation the creditually in the indapproper terms of the settlements of the creditually in the indapproper terms of the creditually in the indapproper terms of the creditual indapproper terms of the creditual indapproper industrial i	etion to be arred without further ce moneys had it of the apple Treasurpriation, and the control of Prosections.	incurred but the virtify, in one we been a discontrate by, together where the otherwards.	olation of any of conformity with appropriated for ct are actually in tion from which her with the monvise unencumber was amage Claim of
ovision quirent in post reasurement in the control of to the control of the contr	ent au ons of ments e of sa y, or e to b nted to Excee Gil e Aut Dert J	thorized the Charles of the Charles antipe drawr to come the come that t	CERT: d by the larter of the charter	IFY that hereto at the City of the City of the Cit tsufficie to come nat the sa Treasur 100 ary P. Mexpendit 1989	the indeb tached resc of San Die y of San Di nt moneys into the T nid moneys y, to the cr	tedness a colution, of go; and I lego, that to meet to reasury, is now active and so for their a linds for le: LP8 By:	and obligation be incuded to hereby sufficient the obligation the creditually in the indication appropriate terms of the settlements of the creditually in the creditual propropriate of the creditual propropriate of the creditude of the creditud	ation to be arred without further ce moneys had it of the application, and attended Electric of Property of the Application of the Appli	incurred but the virtify, in or live been a dontrad propriate by, togethe otherw	olation of any of conformity with appropriated for ct are actually in tion from which her with the monvise unencumber was amage Claim of CLER'S DEPARTMENT
rovision requirements of to control of to control of the control o	ent au ons of ments e of sa y, or e to b nted to Excee Gil e Aut Dert J	thorized the Charles of the Charles antipe drawr to come the come that t	CERT d by the larter of the charter	IFY that hereto at the City of the City of the City of the City to come nat the sa Treasur 100 ary P. Mexpendit Myers, 1989	the indeb tached rescof San Die y of San Die y of San Die not the Taid moneys into the craid moneys y, to the craid moneys and ture of function of the City Fill Account	tedness a colution, of go; and I go; and I go; and I to meet to meet to meet to meet to mow according to some according to their a mads for their a gob or t	and obligation be incuded to hereby sufficient the obligation the creditually in the indication appropriate terms of the settlements of the creditually in the creditual propropriate of the creditual propropriate of the creditude of the creditud	ation to be arred without further ce moneys had it of the application, and attended Electric of Property of the Application of the Appli	incurred but the virtify, in or live been a dontrad propriate by, togethe otherw	olation of any of conformity with appropriated for ct are actually in tion from which her with the monvise unencumber of amage Claim of AMOUNT
rovision requirements of the control	ent au ons of ments e of sa y, or e to b nted to Excee Gil e Aut Dert J	thorized the Charles of the Charles antipe drawr to come the come that t	CERT d by the larter of the charter	IFY that hereto at the City of the City of the City of the City to come nat the sa Treasur 100 ary P. Mexpendit Myers, 1989	the indeb tached rescof San Die y of San Die y of San Die not the Taid moneys into the craid moneys y, to the craid moneys and ture of function of the City Fill Account	tedness a colution, of go; and I go; and I go; and I to meet to meet to meet to meet to mow according to some according to their a mads for their a gob or t	and obligation be incuded to hereby sufficient the obligation the creditually in the indication appropriate terms of the settlements of the creditually in the creditual propropriate of the creditual propropriate of the creditude of the creditud	ation to be arred without further ce moneys had it of the application, and attended Electric of Property of the Application of the Appli	incurred but the virtify, in or live been a dontrad propriate by, togethe otherw	olation of any of conformity with appropriated for ct are actually in tion from which her with the monvise unencumber wamage Claim of CLER'S DEPARTMENT

1453

Passed and adopted by the Council of Th	JUL 2 4 1989					
by the following vote:	Corry of Sair Diego off		,			
Council Members Abbe Wolfsheimer Ron Roberts Gloria McColl H. Wes Pratt Ed Struiksma J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	Yeas Nays	Not Present Ineligible				
AUTHENTICATED BY:	***************************************	IAUREEN O'CONNOR r of The City of San Diego, California.	······ , ,			
(Seal)	City Cle	ork of The City of San Diego, California	······ ,			
	Ву	Ul J. Portum	eputy.			
			T.			
	Office of the City	of the City Clerk, San Diego, California				
	Resolution	777 JUL 2 4 1989				
CC-1276 (Rev. 12-87)						

Committee Commit

MIST ME

Applications of the second confidence of the s

APPENDING LEEDING TO

BIEROTCHEN DE

And the state of t

The space of point

Action of the first property and the

THE STEEL