

(R-90-675)

RESOLUTION NUMBER R-274594

ADOPTED ON OCTOBER 17, 1989

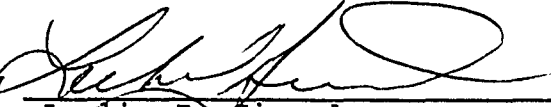
WHEREAS, in Closed Session on October 17, 1989, the City Council, by the following vote: Yeas: Districts 1, 2, 7, 8 and the Mayor; Nays: None; Not Present: Districts 2, 3, 4, 5, and 6, approved the settlement of Superior Court Case No. 536350, Charles C. Tillinghast, III v. City of San Diego, et al. in the amount of \$435,000.00 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 \$435,000.00 to plaintiff Charles C. Tillinghast, III, in the settlement of his claims against The City of San Diego, its agents and employees, in Charles C. Tillinghast, III v. City of San Diego, et al., Superior Court Case No. 536350 for damages due to land subsidence to the real property at 1762 Nautilus Street, La Jolla.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$435,000.00, made payable to Charles C. Tillinghast, III and his attorney of record 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.
10/17/89
Aud.Cert: 9000366
Or.Dept:Risk Mgmt
R-90-675
Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000366

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 \$ 435,000.00

Vendor Charles E. Tillinghast and his attorney Richard Elliot

Purpose Authorizing the expenditure of funds in settlement of property damage claim LP85-0540-3682.

Date October 9, 1989

By: *Kenberly 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		100	601	106	4823	60106				\$435,000.00
TOTAL AMOUNT										\$435,000.00

FUND OVERRIDE

R 274594

OCT 17 1989

156

in Closed Session
Passed and adopted/by the Council of The City of San Diego on..... October 17, 1989
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

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

(Seal)

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-274594* Adopted *OCT 17 1989*

89 OCT 18 AM 9:47
SAN DIEGO, CALIF.

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