(R-90-901)

## RESOLUTION NUMBER R- 274821 ADOPTED ON DEC 5 1989

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 sum of \$359,241.66 in the partial settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of Julie McKellar, et al.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$94,241.66 made payable to Luth and Turley in partial settlement of all claims.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and empowered to pay up to the sum of \$250,000.00 for future costs and settlement of the property damage repair to be performed by Luth and Turley, Inc; and to pay up to the sum of \$15,000.00 for future living expenditures on behalf of Julie McKellar.

BE IT FURTHER RESOLVED that the City Auditor and Comptroller be and he is hereby authorized to transfer \$359,241.66 from the

Water Revenue Fund 41502 unallocated reserve (70679) to the Water Operating Fund Watermain Program (70540).

APPROVED: John W. Witt, City Attorney

Ву

Ronald L./Johnson

Assistant City Attorney

RLJ:db:Lit 12/04/89

Aud.Cert:9000535

Or.Dept:Risk.Mgmt.

R-90-901

Form=r.none

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Office of The City Attorney City of San Diego 89 DEC 12 MKII: 21 SAN ELEGO, CALIF.

## **MEMORANDUM**

533-4700

DATE:

December 11, 1989

TO:

City Clerk

FROM:

City Attorney

SUBJECT:

Settlement - Property Damage to Residence of

Julie McKellar, et al.

[Resolution No. R-274821]

Attached please find a resolution (R-90-901) which was adopted by the City Council in Closed Session on December 5, 1989, with a unanimous vote. The Auditor's Certificate was available to the Council in Closed Session.

Pursuant to the requirements, it will be necessary for this resolution to be placed on a Council Docket under PUBLIC NOTICE so that the official and public record will reflect the adoption of this resolution.

It is therefore requested that it be calendared for the next available docket.

JOHN W. WETT, City Attorney

Ronald L. Johnson

Assistant City Attorney

DB:db:Lit Enclosures cc Cynthia Hopper

## The City of San Diego

## CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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in Closed Session Passed and adopted by the Council of The Cit by the following vote:	y of San Diego	on	2-5-	89	······· ,		
Council Members  Abbe Wolfsheimer  Ron Roberts  John Hartley  H. Wes Pratt  Linda Bernhardt  J. Bruce Henderson  Judy McCarty  Bob Filner  Mayor Maureen O'Connor	Yeas DDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDD	Nays	Not Present	Ineligible			
AUTHENTICATED BY:			AUREEN O'C		<del>1</del> ,		
(Seal)	By	City Cler	ARLES G. AB	n Diego, Californi	, a. . , Deputy.		
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	Office of the City Clerk, San Diego, California						
	Resolution 7	2748	<b>21</b>	DEC 5	1989		