

(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.

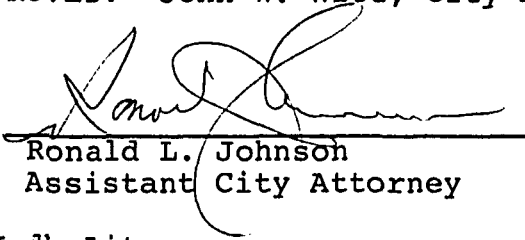
BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and empowered to pay up to the sum of \$250,000.00 for future costs and settlement of the property damage repair to be performed by Luth and Turley, Inc; and to pay up to the sum of \$15,000.00 for future living expenditures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

By



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

R-274821

RECEIVED
CITY CLERK'S OFFICE

89 DEC 12 AM 11:21

SAN DIEGO, CALIF. *B*

Office of
The City Attorney
City of San Diego

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. WITT, City Attorney

By *Ronald L. Johnson*

Ronald L. Johnson
Assistant City Attorney

DB:db:Lit
Enclosures
cc Cynthia Hopper

R 274821

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000535

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 \$ 359,241.66

Vendor Julie McKellar

Purpose Authorizing the expenditure of funds for partial settlement of Property Damage Claim LP90-0705-1393.

Date December 1, 1989

By: Rhonda R Cruz
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		40012	700	209	4824	005409				\$359,241.66
TOTAL AMOUNT										\$359,241.66

FUND OVERRIDE

DEC 5 1989 R-274821

18-1
12/5/89

in Closed Session
Passed and adopted by the Council of The City of San Diego on 12-5-89,
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"/>
John Hartley	<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"/>
Linda Bernhardt	<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. *[Signature]*

(Seal)

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

By *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number R-274821	Adopted DEC 5 1989