

(R-92-1236)

RESOLUTION NUMBER R- **279464**

ADOPTED ON **FEB 24 1992**

WHEREAS, in Closed Session on January 14, 1992, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 6, 7 and Mayor O'Connor, Nays, District 5, Not Present, Districts 3 and 8 approved the following; 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 a one time payment of \$200,000.00 as part of a sliding scale settlement agreement with a guarantee of up to an additional \$575,000.00, in the settlement of each and every claim of Gary and Karen Green against The City of San Diego, its agents and employees, pending the outcome of the litigation between the Greens, Coopers, City and others in Green, et al. v. Cooper, et al., Superior Court Case No. 625379 resulting from earth movement beneath and in the vicinity of the Greens' residence at 5635 Desert View Drive.

BE IT FURTHER RESOLVED, that the City Manager is granted the authority to approve the additional payment, without further Council approval, of the guaranteed sum of up to \$575,000.00 as required depending on the outcome of the Green, et al. v. Cooper, et al. lawsuit.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in

the amount of \$200,000.00, made payable to Gary Green and Karen Green and their attorneys of record Barnhorst, Schreiner and Goonan, in full settlement to the Greens' lawsuit against the City of San Diego and of all the Greens' claims against the City.

APPROVED: John W. Witt, City Attorney

By Larry E. Renner
Larry E. Renner
Deputy City Attorney

LER:db:Lit.
02/18/92
Aud.Cert: 9200618
Or.Dept:Risk.Mgmt.
R-92-1236
Form=r.claim1

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9200618

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 \$ 775,000.00

Vendor Gary Green and Karen Green

Purpose Authorizing the expenditure of funds for the settlement of a personal injury and property damage claim.

Date February 19, 1992

By: *Amy Rodenbeck*
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1	0	100	601	106	4824	060106				\$775,000.00
TOTAL AMOUNT										\$775,000.00

FUND OVERRIDE

R **279464**

FEB 24 1992

AC 9200618

1101

Passed and adopted by the Council of The City of San Diego on **FEB 24 1992**
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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *279464* Adopted **FEB 24 1992**

RECEIVED

92 FEB 19 PM 1:19

CITY CLERKS OFFICE
SAN DIEGO, CA

62 FEB 19 1:19