

(R-93-105)

RESOLUTION NUMBER R- 280377

ADOPTED ON JUL 20 1992

WHEREAS, in Closed Session on June 30, 1992, the City Council, by the following vote: Yeas, Districts 1,2,4,6,8 and Mayor O'Connor, Nays, District 5, Not Present, Districts 3 and 7 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 the total sum of \$135,000 in full settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 625379, Green, et al. v. Cooper, et al. resulting from earth movement beneath and in the vicinity of the Greens' residence at 5635 Desert View Drive and the Coopers' residence at 5639 Desert View Drive. A previous payment of \$200,000 was made to the Greens on May 28, 1992.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$135,000, made payable to Gary and Karen Green and their attorneys of record Barnhorst, Schreiner and Goonan, in full settlement of the Green v. Cooper lawsuit against the City of San Diego and of all the Green v. Cooper claims against the City.

APPROVED: John W. Witt, City Attorney

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

LER:db:Lit.
07/07/92
Aud.Cert:9300041
Or.Dept:Risk.Mgmt.
R-93-105
Form=r.claim1

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9300041
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 _____ 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 money 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 \$ 135,000.00

Vendor Gary and Karen Green, and Barnhorst, Schreiner, and Goonan

Purpose Authorizing the expenditure of funds for settlement of property damage claim of Gary and

Karen Green, City File: LP91-0540-0776.

Date July 15, 1992 By: *Cecilia Ann Pedro*

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	40012	700	209	4824	4209		41506		\$20,250.00
2	0		601	106	4824	060106				114,750.00
TOTAL AMOUNT										\$135,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

*CONTINGENT UPON APPROVAL OF FY93 BUDGET

AC 9300041

R- 280377 JUL 20 1992

JUL 20 1992

Passed and adopted by the Council of The City of San Diego on
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 type="checkbox"/>	<input checked="" 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 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:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Marjorie L. Peltz*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-280377* Adopted *JUL 20 1992*

1000
92 JUL 15 PM 1:44
CIVIL SERVICE
SAN DIEGO, CA