

(R-93-1467)

RESOLUTION NUMBER R- 281656

ADOPTED ON MAR 22 1993

WHEREAS, in Closed Session on October 20, 1992, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 7, and Mayor Maureen O'Connor, Nays, District 5, Not Present, Districts 6 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 the total sum of THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000.00) in the settlement of each and every claim of James Broutzos, Wildwood Development Corporation, Desert View Partnership, and Wildwood Construction against The City of San Diego, its agents and employees, in Superior Court Cases No. 646858 and 652812, Marc and Monica Johnson v. Desert View Partnership, et al. and Marc and Monica Johnson v. City of San Diego, et al., resulting from earth movement on and adjacent to 5623 Desert View Drive.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000.00), made payable to James Broutzos, First Nationwide Bank, and

William Banning in full settlement of the lawsuit and of all claims resulting from the property damage to James Broutzos.

APPROVED: John W. Witt, City Attorney

By Anita M. Noone
Anita M. Noone
Deputy City Attorney

AMN:skh:Lit.
03/15/93
Aud.Cert: 9300839
Or.Dept:Risk.Mgmt.
R-93-1467

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9300839

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 \$ 305,000.00

Vendor James Broutzos/First Nationwide Bank/William Banning

Purpose Authorizing expenditure of funds for settlement of property damage claim.

Date March 15, 1993 By: *Cecilia San 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	81140	81140		4824	081141				\$259,250.00
2	0	40012	700	209	4824	005409				45,750.00
TOTAL AMOUNT										\$305,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

R-281656

MAR 22 1993

AC 9300839

H 23
AC

MAR 22 1993

Passed and adopted by the Council of The City of San Diego on
by the following vote:

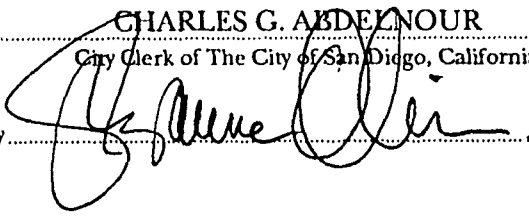
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John 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 checked="" type="checkbox"/>	<input 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 281656 Adopted MAR 22 1993