

(R-94-287)

RESOLUTION NUMBER R- 282532

ADOPTED ON SEP 07 1993

WHEREAS, in Closed Session on August 10, 1993, the City Council, by the following vote: Yeas, Districts 6, 5, 7, 8, 4 and Mayor Golding; Nays, Districts (NONE); and Not Present, Districts 1, 2 and 3 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 \$225,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 655279, Wagner Trust, et al. v. City of San Diego, et al., resulting from earth movement on and adjacent to the Wagner Trust's property at 5628 Desert View Drive, La Jolla.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$225,000.00, made payable to **Michael M. Angello Trust Account (Attorney of record for Wagner Trust and Andrea M.**

RECEIVED  
CITY CLERK'S OFFICE

93 AUG 25 AM 10: 01

SAN DIEGO, CALIF.

P

RES 71 135

585235

Wagner), and Donna Doyle Trustee of The Wagner Trust, in full  
settlement of the lawsuit and of all claims.

APPROVED: John W. Witt, City Attorney

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

LER:lja:Lit.  
08/24/93  
Aud.Cert: AC 9400217  
Or.Dept: Risk Mgmt.  
R-94-287  
Form=r.claim1

R-282532

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE** AC 9400217

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 \$ 225,000.00

Vendor Michael M. Angello Trust Account and Donna Doyle, Trustee

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

Date August 24, 1993

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
01	0	81140	81140		4824	081141				\$191,250.00
02	0		700	209	4824	004209				33,750.00
TOTAL AMOUNT										\$225,000.00

FUND OVERRIDE

SEP 07 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:

(Seal)

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

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

By *Linda Sugaw*, Deputy.

Office of the City Clerk, San Diego, California

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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:

(Seal)

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

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

By *Linda Sugawo* Deputy.

Office of the City Clerk, San Diego, California

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Number ..... Adopted *SEP 07 1993*

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