

RESOLUTION NUMBER R- 284311

ADOPTED ON JUL 25 1994

WHEREAS, in Closed Session on May 31, 1994, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, Nays, -0-, Not Present, Mayor, approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to pay the total sum of \$133,000.00, in the settlement of each and every claim against The City of San Diego, its agents and employees, arising out of Superior Court Case No. 653018, Wade v. City of San Diego, et al. resulting from the personal injuries to James, Denise, Joshua and Alicia Wade.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to issue five checks, totalling \$133,000.00, made payable to the following for the listed amounts:

- 1) James Wade and his attorney Milton J. Silverman, for \$33,250.00;
- 2) Denise Wade and her attorney Milton J. Silverman, for \$33,250.00;
- 3) Clerk of the Superior Court (Alicia), for \$22,610.00;
- 4) Clerk of the Superior Court (Joshua), for \$22,610.00;

and

5) Structured Settlement Trust (Alicia and Joshua), for
\$21,280.00; in full settlement of the lawsuit and of all claims.

APPROVED: John W. Witt, City Attorney

By 
Mark Stiffler
Deputy City Attorney

MS:hk:Lit.
07/05/94
Aud.Cert: 9401225
Or.Dept: Risk Management
R-94-1963
Form=r.claim1

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

CERTIFICATE OF UNALLOTTED BALANCE

AC

9401225

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 |
|--------------|-------|------|------|------|---------|-----------|-------------------|-------------|----------|--------|
| | | | | | | | | | | |
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| | | | | | | | | | | |
| 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 \$ _____ 133,000.00

Vendor James Wade, et. al.

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

Date June 13, 1994 By: 

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 | | 4823 | 081141 | | | | \$133,000.00 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | \$133,000.00 |

FUND OVERRIDE

L-284311

JUL 25 1994