(R-95-654)

RESOLUTION NUMBER	28 4996	
ADOPTED ON	NOV 2 9 1994	

WHEREAS, in Closed Session on May 17, 1994, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5 and 7; Nays, District 6; Not Present, Mayor, District 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 \$100,000.00 in settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the facts and claims giving rise to the case, <u>James Toone</u>, et al. v. City of San Diego, San Diego County Superior Court Case No. 667393, less any discretionary fees which will be deducted from said \$100,000.00 sum for the processing of reapplications for development of the subject property pursuant to the terms of a Settlement Agreement to be executed by the parties.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of the balance remaining from \$100,000.00 after deductions are made in payment to the City for discretionary review fees in connection with said reapplications for development, made payable to David L. Golden, attorney for

James Toone in full settlement of all claims upon final City approval of the development reapplied for.

APPROVED: John W. Witt, City Attorney

C. Alan Sumption / Senior Chief Deputy City Attorney

CAS:ds:Lit.

10/17/94

9500474 Aud.Cert:

Or.Dept:Atty.

R-95-654

Form=r.claim1

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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