

RESOLUTION NUMBER R- **284996**

ADOPTED ON **NOV 29 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, James Toone, 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

By C. Alan Sumption
C. Alan Sumption
Senior Chief Deputy City Attorney

CAS:ds:Lit.

10/17/94

Aud.Cert: 9500474

Or.Dept:Atty.

R-95-654

Form=r.claim1

R- 284996

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9500474

ORIGINATING DEPT. NO.: 045

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 \$ 100,000.00

Vendor Toone, et al. v. City of San Diego

Purpose Authorize the expenditure not to exceed \$100,000.00 for settlement of claim

Toone, et al vs. City. Case 667393; File LP93-0065-5688.

Date October 26, 1994 By: *[Signature]*

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				\$100,000.00
TOTAL AMOUNT										\$100,000.00

FUND OVERRIDE

AC 9500474

R-284936

NOV 29 1994