

RESOLUTION NUMBER R- 285855

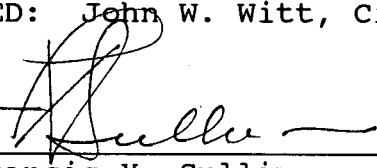
ADOPTED ON MAY 30 1995

WHEREAS, in Closed Session on April 11, 1995, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 5, 6, 8, and the Mayor, Nays, District 4, Not Present, District 7, 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 \$750,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 664777, Frank L. Merriweather v. City of San Diego, et al. resulting from the personal injuries to Frank L. Merriweather.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$750,000.00, made payable to Frank L. Merriweather and his attorney Larry R. Feldman, Esq. in full settlement of the lawsuit and of all claims.

APPROVED: John W. Witt, City Attorney

By   
Francis X. Sullivan  
Deputy City Attorney

FXS:eh:Lit.  
05/17/95  
Aud.Cert:9501151  
Or.Dept:Risk.Mgmt.  
R-95-1739

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

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9501151

ORIGINATING DEPT. NO.: 754

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 \$ 750,000.00

Vendor Frank L. Merriweather and his Attorney of record, Larry R. Feldman.

Purpose Authorizing the expenditure of funds in settlement of personal injury claim.

Date May 16, 1995

By: *Carole O'Hendon*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
*001	0	81140	81140		4823	081141				\$750,000.00
TOTAL AMOUNT										\$750,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

\* Pending written justification of allocation of costs to Fund 41200, Dept. AC 9501151

754, JO 004171.

MAY 30 1995 *R-285855*