

RESOLUTION NUMBER R- 285965

ADOPTED ON JUN 26 1995

WHEREAS, in Closed Session on April 18, 1995, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and the Honorable Mayor Golding; Nays, -0- , approved the purchase of the real property at 5673 Mill Peak Road for fair market value;

WHEREAS, SANDAG, acting as the San Diego County Regional Transportation Commission, is responsible for the administration of the TransNet Program (Proposition A, November 1987); and,

WHEREAS, the Fairmount Avenue Improvement Project (from Montezuma Road to Interstate 8) is a TransNet Project, CIP52-433.0 (FUND 30302), which has come in at least \$220,000 (two hundred twenty thousand dollars) under budget; and,

WHEREAS, the purchase of the property at 5693 Mill Peak Road was predicated on a claim of an allegedly defective City storm drain; and,

WHEREAS, the prompt settlement of this claim ~~is beneficial~~;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to request advance funding from SANDAG through the debt financing program in an amount not to exceed \$220,000 (two hundred twenty thousand dollars).

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized to execute any necessary documents relating to the receipt of said funds from SANDAG.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that The City of San Diego will be responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of SANDAG debt financing program and that such costs shall be the first priority use of the City of San Diego annual allocation of TransNet revenues.

BE IT FURTHER 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 \$220,000 (two hundred twenty thousand dollars) in the settlement of a claim against The City of San Diego, its agents and employees, brought by Mr. and Mrs. Waltham M. Bates, resulting from property damage that occurred on or about March 11, 1995, in the vicinity of Genoa Drive, Mill Peak Road, and Adobe Falls Road, San Diego.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that the City Auditor and Comptroller is hereby authorized to reallocate \$220,000 (two hundred twenty thousand dollars) in TransNet bond proceeds, Fund 30302, by transferring \$220,000 (two hundred twenty thousand dollars) from CIP52-433.0, "Fairmount Avenue from Montezuma Road to Interstate 8", to TransNet Public Liability Reserve Fund 30302, J.O. 127005.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that the City Auditor and Comptroller is hereby authorized to issue a check, made payable to First American Title Insurance

Company in the amount of \$220,000 (two hundred twenty thousand dollars), in full settlement of all claims.

APPROVED: John W. Witt, City Attorney

By Anita M. Noone
Anita M. Noone
Chief Deputy City Attorney

AMN:dv:Lit.
06/13/95
Aud.Cert:9501198
Or.Dept:Risk Management
R-95-1809
Form-r.claim1

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9501198-Rev.

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 \$ 220,000.00

Vendor First American Title Company

Purpose Authorizing the reallocation of funds from CIP 52-433.0 (Fund 30302) to the Transnet Public

Liability Reserve and authorizing the expenditure of funds for damage claim settlement against the City in favor of Mr. and Mrs. William Bates.

Date 6/5/95 By: *John E. [Signature]*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1	0	30244	30244	107	4279	524330		30302		\$220,000.00
TOTAL AMOUNT										\$220,000.00

FUND OVERRIDE

R-285965

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