

RESOLUTION NUMBER R- 287407


ADOPTED ON MAY 28 1996

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 sum of \$1,131,887.00 in payment of judgment from verdict released of the jury trial of Landex Construction Corporation (Applied Waterproofing Technology v. City of San Diego, Superior Court Case No. 666615). This payment is for the contract portion of the judgment only. (The remainder of the judgment and attorney's fees, totalling \$1,678,694.90 are being appealed).

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check to Landex Construction Corporation and their attorney of record Robert J. Marks, in the amount of \$1,131,887.00, made payable to Landex Construction Corporation and their attorney of record Robert J. Marks.

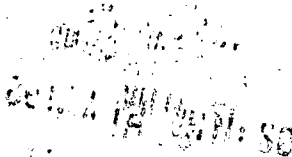
APPROVED: JOHN W. WITT, City Attorney

By



Marc J. Rosen
Deputy City Attorney

MJR:vtc:Lit.
05/10/96
Aud.Cert: AC9601038
Or.Dept: Risk Mgmt
R-96-1230
Form=r.claim2



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

CERTIFICATE OF UNALLOTTED BALANCE AC 9601038

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 \$ 1,131,887.00

Vendor Landex Construction Corporation

Purpose Authorizing the expenditure of funds for the settlement of Property Damage Claim

in relating to the Point Loma Waste Water Treatment Plant Expansion II.

Date May 9, 1996 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	40012	700	267	4903	070697		41506		\$1,131,887.00
TOTAL AMOUNT										\$1,131,887.00

FUND OVERRIDE

L- 287407 MAY 28 1996

AC 9601038