

(R-97-161)

RESOLUTION NUMBER R- 287843

ADOPTED ON SEP 16 1996

WHEREAS, in Closed Session on July 16, 1996, the City Council, by the following vote:
Yeas, Districts 1, 2, 4, 5, 6, 8 and the Mayor; Nays, None; Not Present, Districts 3 and 7;
approved a settlement of Wimpey v. Dept. of the Army, City of San Diego, et al., U.S. District
Court Case No. 94-1068R(AJB) by agreeing to pay up to the sum of \$50,000 towards clean up
costs for the subject property; 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 \$50,000.00 in settlement of
each and every claim against The City of San Diego, its agents and employees, arising out of the
case, Wimpey v. Dept. of the Army, et al.;

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is
hereby authorized to issue one check in the amount of \$50,000.00, made payable to Wimpey
Commercial, Inc. and its counsel in full settlement of the lawsuit and all claims.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption
C. Alan Sumption
Head Deputy

CAS:dk:Civ.
07/25/96
Aud.Cert:9700160
Or.Dept:Risk Mgmt.
R-97-161
Form=claim1.res

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9700160

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 \$ 50,000.00

Vendor WIMPEY COMMERCIAL INC. AND THEIR ATTORNEY OF RECORD, STEVE MARSH

Purpose AUTHORIZING EXPENDITURE OF FUNDS FOR SETTLEMENT OF PROPERTY DAMAGE

CLAIM. CITY FILE #LP93-0705-4591.

Date AUGUST 6, 1996 By: *Lillie Pease*

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				\$50,000.00
TOTAL AMOUNT										\$50,000.00

FUND OVERRIDE

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