RESOLUTION NUMBER R- 287843

ADOPTED ON <u>SEP 16 1996</u>

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

R,

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

TOTAL AMOUNT \$50,000									ORI	GINATING	
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