

RESOLUTION NUMBER R- 288478

ADOPTED ON MAR 31 1997

WHEREAS, upon completion of the El Cajon Boulevard: 37th to 39th Street Project (CIP 39-209.0), Wier Construction, Co., Inc. (the "Contractor"), submitted a claim to The City of San Diego (the "City") in the amount of Three Hundred Ten Thousand Eight Hundred Twenty Dollars and Fifty Cents (\$310,820.50); and

WHEREAS, Wier's claim was analyzed by the City's Field Engineering staff and the City and Contractor negotiated a settlement of the claim in the amount of Forty-Five Thousand Dollars (\$45,000), with the exception of Bid Item No. 13C (Trenching for Irrigation Piping), which was referred to mediation and is still pending; and

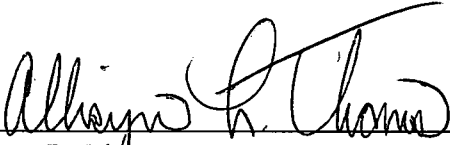
WHEREAS, as part of the settlement, the Contractor releases the City from any future costs in the matter, with the exception of Bid Item No. 13C, and City has waived liquidated damages; and

WHEREAS, funds for this settlement are available from the Public Liability TransNet Fund (Fund/Dept. 81144); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the expenditure of an amount not to exceed Forty-Five Thousand Dollars (\$45,000) is hereby authorized, solely and exclusively, for the settlement of a claim by Wier Construction Co., Inc., on the El Cajon Boulevard: 37th to 39th Street Project (CIP 39-209.0), under the terms and conditions of Change Order No. 2, Work Order No. 392091.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized, upon advice from the Administering Department, to transfer funds to the appropriate reserve provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for the above mentioned expenditure are on deposit in the City Treasury.

APPROVED: CASEY GWINN, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc  
03/14/97  
Or.Dept.Comm.&Eco.Dev.  
Aud.Cert:9700907  
R-97-937  
Form=r-t.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9700907  
ORIGINATING DEPT. NO.: 042

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.

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 \$ 45,000.00

Vendor Wier Construction Company, Inc.

Purpose Authorizing the expenditure of funds for the settlement of a claim on the El Cajon Blvd:

37th to 39th Street Project (CIP 39-209.0).

Date March 13, 1997 By: Robecky Weber

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	81144	81144		4825	081144				\$45,000.00
TOTAL AMOUNT										\$45,000.00

FUND OVERRIDE