

RESOLUTION NUMBER R- 289205

ADOPTED ON SEP 23 1997

WHEREAS, in Closed Session on July 29, 1997, the City Council, by the following vote:

Yeas, unanimous, approved the following; NOW, THEREFORE,

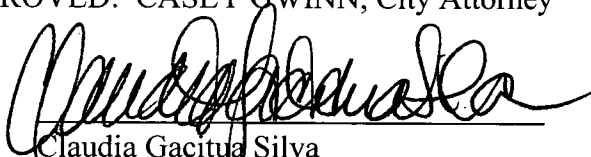
BE IT RESOLVED, by the Council of The City of San Diego that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$185,000.00, in the settlement with full release of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 706631, Liang v. Bailey, et al., and a full release from any failure of the slope repair to work as intended.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$185,000.00, made payable to Desert View Drive Client Trust Account, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 41500, Water Utilities Fund.

APPROVED: CASEY GWINN, City Attorney

By



Claudia Gacitua Silva
Deputy City Attorney

CGS:db:Civ.
09/03/97
09/25/97 COR. COPY
Aud.Cert:9800271
Or.Dept:Risk.Mgmt.
R-98-184
Form=claimr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9800271
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 \$ 185,000.00

Vendor Desert View Drive Client Trust Account.

Purpose Authorizing the expenditure of funds in settlement of the property damage claim for Xiaowu Liang, city claim #LP95-0705-6705.

Date September 2, 1997 By: *Kimberly Price*

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	41500	760	641	4824	006383				\$185,000.00
TOTAL AMOUNT										\$185,000.00

FUND OVERRIDE

R 289205

SEP 23 1997

AC 9800271