

(R-98-332)
(Cor. Copy)

RESOLUTION NUMBER R- 289218

ADOPTED ON SEP 23 1997

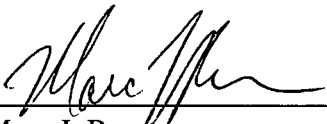
WHEREAS, in Closed Session on September 9, 1997, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 5, 6 and the Mayor, Nays, District 4, Not Present, Districts 7 and 8, approved the following; NOW, THEREFORE,

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 \$300,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, based on Superior Court Case No. 698671, John Nevara, et al. v. City of San Diego, et al., and resulting from the settlement of the property damage claim in that case, of Dr. John & Mrs. Barbara Nevara in the amount of \$200,000.00; and, authorizing the expenditure of an additional amount not to exceed \$100,000.00 from the Public Liability Fund for building of the drainage system and removal of other improvements in the public right of way at the north end of the paved portion of Ampudia Street, as required by the settlement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$200,000.00, made payable to Dr. John and Mrs. Barbara Nevara and their attorney of record, Edward H. McIntyre, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140,
Public Liability Reserve Fund.

APPROVED: CASEY GWINN, City Attorney

By 

Marc J. Rosen
Deputy City Attorney

MJR:vtc:Civ.
09/18/97
Aud.Cert: AC 9800349
Or.Dept: Risk Mgmt
R-98-332
Form=claimr.frm
L:ROSEN\698671\MISC\R-98-332.RES

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9800349
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 \$ 300,000.00

Vendor Dr. John & Mrs. Barbara Nevara and their attorney of record, Edward H. McIntyre

Purpose Authorizing expenditure of funds for settlement of property damage claim (\$200,000) and authorizing expenditure of an additional amount of \$100,000 for building a drainage system as required by the settlement. (Total expenditure \$300,000)

Date September 18, 1997 By: *Jill Rose*

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		Nevara		\$200,000.00
02	0	81140	81140		4824	081141		drain system		100,000.00
TOTAL AMOUNT										\$300,000.00

FUND OVERRIDE

R 289218

SEP 23 1997

AC 9800349