

RESOLUTION NUMBER R- 289961

ADOPTED ON APR 20 1998

WHEREAS, in Closed Session on March 24, 1998, the City Council, by the following vote: Yeas, Districts One, Two, Three, Four, Seven and Eight, Nays, None, Not Present, Districts Five and Six, 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 \$75,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 709750, Creighton Thies v. City of San Diego, consolidated with Superior Court Case No. 710539, Colleen Gavin v. City of San Diego, resulting from the personal injuries suffered by plaintiffs from a bicycle accident occurring on North Torrey Pines grade on August 4, 1996.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue two checks in the amount of \$25,000 made payable to Creighton Thies and Edward J. Babbit, his attorney and \$50,000, made payable to Colleen Gavin and David B. Egan, her attorney 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   
William S. Donnell,  
Deputy City Attorney

WSD:kat:Civ

April 2, 1998

Aud.Cert: AC9801123

Or.Dept:084

R-98-1071

Form=claimr.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9801123  
 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 \$ 75,000.00

Vendor Creighton Theis and Edward J. Babbit, his attorney of record; and Colleen Gavin and David

B. Egan, her attorney of record.

Purpose Authorizing expenditure of funds for settlement of Personal Injury Claims of Creighton Theis and Colleen Gavin. City File #'s: LX97-0534-1564 and LX97-0534-2039.

Date March 31, 1998 By: Robecky Weher

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		4823	081144				\$25,000.00
2	0	81144	81144		4823	081144				50,000.00
TOTAL AMOUNT										\$75,000.00

FUND OVERRIDE

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APR 20 1998

AC 9801123