

RESOLUTION NUMBER R- 290174

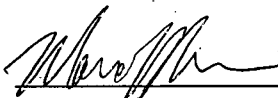
ADOPTED ON MAY 26 1998

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 sum of \$525,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Fourth District Court of Appeal Case No. D024864, *Landex Construction Corporation v. City of San Diego*, resulting in payment of judgment from verdict released of the jury trial and attorney fees, reduced and remanded by the Court of Appeals.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$525,000, made payable to Marks & Golia Client Trust Account, in full settlement of all claims.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$525,000.00 from Program 777210, the Sewer Reserve Fund Unallocated Reserve, transfer to CIP 46-086-0, the Point Loma Waste Water Treatment Plant Expansion, is hereby authorized to constitute the final payment of the portion of the jury verdict and judgment including attorney fees reduced and remanded by the Court of Appeals.

APPROVED: CASEY GWINN, City Attorney

By 

Marc Rosen
Deputy City Attorney

MR:ms:Civ
5/26/98
Aud.Cert:AC9801321
Or.Dept: Risk Mgmt
R-98-1373
Form=claim2r.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9801321
ORIGINATING DEPT. NO.: 778

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 \$ 525,000.00

Vendor Landex Construction Corporation

Purpose Authorizing the transfer and expenditure of funds for the settlement of property damage claim

in relating to the Point Loma Wastewater Treatment Plant Expansion II.

Date May 20, 1998 By: 

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	41509	777	445	4903	777210				\$525,000.00
TOTAL AMOUNT										\$525,000.00

FUND OVERRIDE

R- 290174

MAY 26 1998

AC 9801321