29288<mark>2</mark>-2000-979)

RESOLUTION NUMBER R-____

ADOPTED ON MAR 1 4 2000

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 \$70,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. GIC736689, G. Fred Birkell v. City of San Diego, resulting in property damage which occurred in November 1998.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$70,000, made payable to the Estate of G. Fred Birkell and Louis Goebel, attorney, in full settlement of all claims.

APPROVED: CASEY GWINN, City Attorney

By John P. Mullen.

Deputy City Attorney

JPM:kat:civ

March 14, 2000

Aud.Cert:

Or.Dept:0534

R-2000-979

Form=claim2r.frm

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

ORIGINATING DEPT. NO.: **CERTIFICATE OF UNALLOTTED BALANCE** 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. 70.000 Amount Fund Purpose TO AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PROPERTY DAMAGE CLAIM OF G. FRED BIRKELL CF LP9905341115 Date **FEBRUARY 29.2000** By: AUDITOR AND COMPTROLLER'S DEPARTMENT ACCOUNTING DATA ACCTG. OPERATION ACCOUNT FUND DEPT ORG ORDER FACILITY AMOUNT LINE PY ACCOUNT **EQUIP** 001 0 81140 81140 4824 081141 \$70,000.00 TOTAL AMOUNT \$70,000.00 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 \$ Vendor Purpose _____ Date By: AUDITOR AND COMPTROLLER'S DEPARTMENT ACCOUNTING DATA OPERATION BENF/ ACCTG CY ORG. FUND DEPT ACCOUNT ORDER ACCOUNT FACILITY LINE **EOUIP** AMOUNT

K-292882

AC-361 (REV 2-92)

FUND OVERRIDE AC 2000833

TOTAL AMOUNT