

(R-2000-1300)

RESOLUTION NUMBER R-293066

ADOPTED ON APR 18 2000

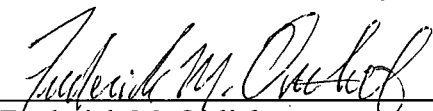
WHEREAS, in Closed Session on April 18, 2000, the City Council, by the following vote: Yeas: Districts 1,3,4,5,6,7 and 8; Nays: None; Not Present: Mayor and District 2; approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to pay the total sum of \$643,069 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. GIC-742540, *Elmore Woods, Joint Venture v. City of San Diego*, arising from the performance of the contract for the construction of the North Metro Interceptor Phase II.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to issue Change Order No. 22 in the amount of \$643,069 to ELMORE WOODS, JOINT VENTURE, said amount to be paid in part from \$342, 773.73 in heretofore disputed contract retention, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the remainder of said funds are to be payable from Fund No. 41508, CIP 46-104.0.

APPROVED: CASEY GWINN, City Attorney

By   
Frederick M. Ortlieb  
Deputy City Attorney

FMO:mb:jp  
05/16/00  
A/C:2001-21  
Or.Dept:MWWD  
R-2000-1300

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING AC 2001121  
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 \$ 643,069.00 \*

Vendor Elmore - Woods, a Joint Venture

Purpose Authorizing Construction Change Order No. 22 for North Metro Interceptor - Phase 2.

Date May 9, 2000

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	41508	778		4905	173354				\$643,069.00
TOTAL AMOUNT										\$643,069.00

*R- 293066 APR 18 2000*

AC-361 (REV 2-92)

FUND OVERRIDE

\* Note: of which \$342,733.91 has been paid from the escrow to the contractor.

AC 2001121