

#106

(R-2001-1774)
CORRECTED COPY 7/6/01

RESOLUTION NUMBER R- 295148

ADOPTED ON JUL 16 2001

WHEREAS, in Closed Session on June 12, 2001, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 5, 7, 8, and Mayor Murphy, Not Present, District 4 and Vacant, District 6, 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 \$80,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 720869, *4570 Investors Limited v. The City of San Diego*.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$80,000, made payable to 4570 Investors, Limited, a California limited partnership, and its attorney of record, Gregg B. Hovey, HOVEY & KIRBY, A.P.C., 402 West Broadway, Suite 1500, San Diego, California, in full settlement of the lawsuit and of all claims.

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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



Claudia Gacitua Silva
Deputy City Attorney

CS:ccm

6/22/01

7/6/01 CORRECTED COPY

Aud.Cert:2200021

Or.Dept:Risk

R-2001-1774

Form=claimr.frm

R-295148

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2200021
ORIGINATING DEPT. NO.: 41500/760

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 \$ 80,000.00

Vendor 4570 Investors, LTD

Purpose Authorizing the City Manager to pay the sum of \$80,000.00 in settlement of each and every claim

against the City, its agents & employees, resulting from the Personal Claim of 4570 Investors, LTD

Contingent upon approval of Fiscal Year 2002 proposed budget.

Date June 27, 2001 By: 

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	41500	760	629	4824	6383				\$80,000.00
TOTAL AMOUNT										\$80,000.00

FUND OVERRIDE

R. 295143

JUL 16 2001

AC 2200021