

RESOLUTION NUMBER R-295190

ADOPTED ON JUL 23 2001

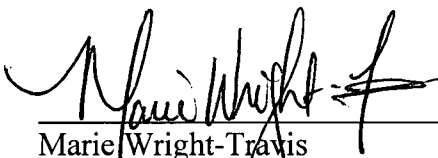
WHEREAS, in Closed Session on June 26, 2001, the Council, by the following vote:  
Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8; Nays, None; Mayor, Yea; approved the settlement of the  
claim against the City of McClurken Machinery, Inc.; NOW, THEREFORE,

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 \$61,312.00 in the settlement of each  
and every claim against The City of San Diego, its agents, and employees, in Claim LP01-7777-  
3059, McClurken Machinery, Inc., San Diego Superior Court Case No. GIC, 765366, *McClurken  
Machinery, Inc. v. City of San Diego*, for inverse condemnation.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby  
authorized to issue one check in the amount of \$61,312.00 made payable to the CLIENT TRUST  
ACCOUNT OF Fisch, Spiegler & Ginsburg, A.P.L.C., in full settlement of all claims in this  
matter.

BE IT FURTHER RESOLVED, that said settlement is payable as follows: \$61,312.00  
from Fund No. 41509, Department 779, Account 4824, Job Order 196231.

APPROVED: CASEY GWINN, City Attorney

By   
Marie Wright-Travis  
Deputy City Attorney

MWT:sw  
06/28/01  
Aud.Cert: 2101308  
Or.Dept:Risk  
R-2002-31

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2101308  
ORIGINATING DEPT. NO.: 779

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 \$ 61,312

Vendor McClurken Machinery, Inc.

Purpose Settlement of the Property Damage Claim of McClurken Machinery, Inc.

City File #LP01-7777-3059

Date June 27, 2001 By: *Jiffany Hernandez*

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	41509	779		4824	196231				\$61,312.00
TOTAL AMOUNT										\$61,312.00

FUND OVERRIDE

*R-295190*

**JUL 23 2001**

2101308