

RESOLUTION NUMBER R- 296061 (R-2002-1023)

ADOPTED ON FEB 11 2002

WHEREAS, in Closed Session on December 11, 2001, the City Council, by the following vote: Yeas: Districts 1, 2, 3, 4, 6, 7, and the Mayor; Nays: Districts -0-; Not Present, Districts 5 and 8; approved the following; NOW, THEREFORE,

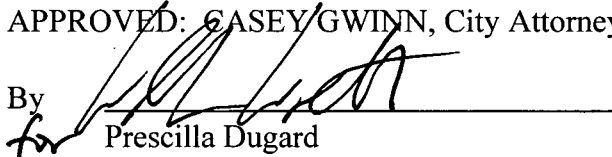
BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized and empowered to pay the total sum of \$50,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in connection with Superior Court Case No. GIC 761524, *San Diego Humane Society and S.P.C.A. v. Bently, et al.*, resulting from the Bently encroachment on property located at 5480 Gaines Street, sold by the City to the San Diego Humane Society and S.P.C.A. [Humane Society].

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to issue one check in the amount of \$44,677.70, made payable to THE SAN DIEGO HUMANE SOCIETY AND S.P.C.A., in full settlement of all claims based upon the lawsuit.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund (\$20,000) and Fund No. 30244, Animal Shelter Capital Improvement Project (\$24,677.70).

APPROVED: CASEY/GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:cdk

01/29/02

Aud.Cert:2200755

Or.Dept:Risk Mgmt.

R-2002-1023

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2200755  
ORIGINATING DEPT. NO.: 084

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 \$ 44,677.70

Vendor San Diego Humane Society

Purpose Authorizing the expenditure for settlement of the property damage to Claim of Humane Society

Date 01/28/02 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	30244	30244	106	4824	372590				\$24,677.70
001	0	81140	81140	3423	4824	081141				20,000.00
TOTAL AMOUNT										\$44,677.70

FUND OVERRIDE