

(R-2003-568)

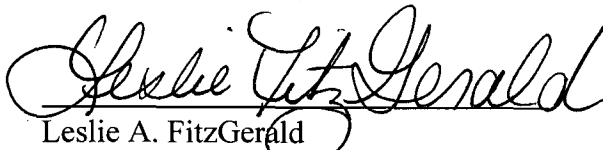
RESOLUTION NUMBER R-297229

ADOPTED ON OCTOBER 22, 2002

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 \$493,759.85 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 775530, *Dana Horne, et al. v. City of San Diego*, resulting from property damage to the split level residence located at 5639 Desert View Drive, in the Mount Soledad area of La Jolla, as the result of an extensive sewer backup on October 28, 2000.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue two checks in the following amounts: (1) \$375,000, made payable to Dana Horne and Joseph Masaveg in care of their attorneys, John W. Wood, Esq., and Shirley J. Wood, 7825 Fay Avenue, Suite 200, La Jolla, California, 92037, in full settlement of all claims; and, (2) \$118,759.85, made payable to Luth & Turley, Inc., 1350 Hill Street, Suite A, El Cajon, California, 92020, for previously completed repair and cleanup of the aforementioned property.

APPROVED: CASEY GWINN, City Attorney

By   
Leslie A. FitzGerald  
Deputy City Attorney

LAF:ccm  
10/21/02  
Aud.Cert:2300445 and 2300446  
Or.Dept:Risk  
R-2003-568  
Form=claim2r.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2300445  
ORIGINATING DEPT. NO.: 773

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: \$118,759.85

Vendor: Luth & Turley, Inc.

Purpose: Authorize the expenditures of funds for the cleanup and small reconstruction for Dana Home proterty settlement LP01-7773-1293.

Date: October 18, 2002

By: *Juliana DeLoza*  
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	41506	773	220	4824	002213				\$118,759.85
TOTAL AMOUNT										\$118,759.85

AC-361 (REV 2-92)

FUND OVERRIDE

*R-297229*

AC 2300445

OCT 22 2002

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

**CERTIFICATE OF UNALLOTTED BALANCE** AC 2300446

ORIGINATING DEPT. NO.: 773

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: \$375,000.00

Vendor: Dana Horne and Joseph Masaveg and their Attorney

Purpose: Authorizing the expenditure of funds for settlement of personal property claim LP01-7773-1293.

Date: October 18, 2002

By: *Victoria De Losa*  
 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	41506	773	220	4824	002213				\$375,000.00
TOTAL AMOUNT										\$375,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2300446

R-297229

**OCT 22 2002**