

RESOLUTION NUMBER R- 299082


ADOPTED ON April 13, 2004

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to pay the sum of \$150,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 825892, Archer Western Contractors v. City of San Diego, filed against the City of San Diego by Archer Western Contractors, arising from contractual disputes in Water Fund 41500, CIP No. 73-341.0, and CIP No. 70-954.0 and CIP No. 70-954.1, Black Mountain Road Pipelines Project (formerly known as Rancho Bernardo No. 2 Pipeline and Black Mountain Ranch Reclaimed Water Pipeline Projects).

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to issue one check in the amount of \$150,000, made payable to Archer Western Contractors and their attorney of record, Ted R. Gropman, in full settlement of all claims.

APPROVED: CASEY GWINN, City Attorney

By


Armando S. Mendez
Deputy City Attorney

ASM:sc
04/13/04
Aud.Cert.:2400984
Or.Dept: Water
R-2004-1070

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2400984
DEPT. _____
NO.: 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

CITY ATTORNEY
04 APR 13 AM 11:22
CIVIL DIVISION

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.

Amount: \$150,000.00

Vendor: Archer Western Contractors, Ltd. and their attorney of record, Ted R. Gropman

Purpose: Authorizing the City Manager to pay in settlement of Superior Court Case GIC 825892 for contractual disputes in Water Fund 41500, CIP 73-341.0 and CIP 70-954.0/70-954.1, Black Mountain Road Pipelines Project.

Date: April 7, 2004

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	391040	4220	184314				\$75,000.00
2	0	41500	760	391040	4220	186454				\$75,000.00
TOTAL AMOUNT										\$150,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2400984

R-299082 APR 13 2004