

(R-2004-1051)

RESOLUTION NUMBER 299102

ADOPTED ON APR 19 2004

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 sum of \$95,000 in the settlement of each and every claim against the City of San Diego and its agents and employees, in Superior Court Case No. GIC 806228, *Mark Bergen v. City of San Diego, et al.*, arising from damages to Mr. Bergen's property as a result of a water leak.

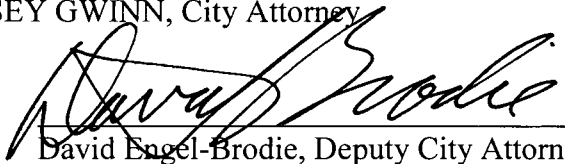
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a check in the sum of \$95,000 made payable to MARK BERGEN and Attorney TIMOTHY SULLIVAN in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 41500.

APPROVED:

CASEY GWINN, City Attorney

By


David Engel-Brodie, Deputy City Attorney

DEB:aml
04/08/2004
Aud.Cert: xxxxx
Or.Dept: 760
R-2004-1051
Form=claimr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2401002

ORIGINATING

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

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: \$95,000.00

Vendor: Mark J. Bergen and Timothy J. Sullivan

Purpose: Authorizing the City Manager to pay in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim, City File #: LP02-0705-2472.

Date: April 13, 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	503	4823	50301				\$95,000.00
TOTAL AMOUNT										\$95,000.00

FUND OVERRIDE

AC 2401002

f- 299102

APR 19 2004