

RESOLUTION NUMBER R-299728

ADOPTED ON OCTOBER 4, 2004

WHEREAS, in Closed Session on October 4, 2004, the City Council, by the following vote: Yeas, 6 Districts and Mayor Dick Murphy; Nays, 0; with Districts 5 and 8 absent and District 4 vacant, approved the following; NOW, THEREFORE,

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 \$18,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 824370, *Jesse and Channa Kelly v. City of San Diego, et al.* arising from the property damage claim of the Kellys.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a checks in the sum of \$18,000 made payable to **JESSE AND CHANNA KELLY and their attorney DOUGLAS JAFFE** in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 41506.

APPROVED:

CASEY GWINN, City Attorney

By



David J. Karlin
Deputy City Attorney

DJK:dmt
Aud.Cert: 2500288
10/4/2004
Or.Dept: 773
R-2005-335

07 001 - 0 11 0 11

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500288

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: \$36,906.78 Fund: 41506

Purpose: To authorize the expenditure of previously paid expenses to Resident Inn of \$14,069.50, and Luth & Turley for costs related settlement of property damage claim to Jesse and Channa Kelly.

Date: September 23, 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
2	0	41506	773	220	4824	2213					\$36,906.78
TOTAL AMOUNT											\$36,906.78

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: \$18,000.00

Vendor: Jesse and Channa Kelly and attorney of record Douglas Jaffe

Purpose: To authorize the expenditure of funds to settle property damage claim.

Date: September 23, 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	41506	773	220	4824	2213					\$18,000.00
TOTAL AMOUNT											\$18,000.00

FUND OVERRIDE

R 299728

OCT 04 2004