

118
(R-2007-84) 8-8-06

RESOLUTION NUMBER R- 301846

DATE OF FINAL PASSAGE AUG 15 2006

A RESOLUTION OF THE CITY OF SAN DIEGO
AUTHORIZING SETTLEMENT OF THE MATTER ENTITLED
REINHOLD METZGER, ET AL. V. CITY OF SAN DIEGO, ET AL.
SAN DIEGO SUPERIOR COURT CASE NO. GIC 831229
IN A SUM NOT EXCEEDING \$3,500,000

WHEREAS, in Closed Session on April 25, 2006, the City Council, by the following
vote: Yeas, Districts 1, 2, 3, 4, 6, 7, 8, Nays, None, Not Present, District 5, approved the
following; NOW, THEREFORE,

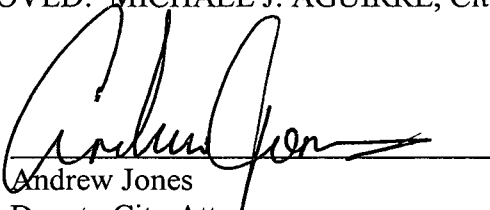
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his
designee is authorized and empowered to pay a sum not exceeding \$3,500,000 in the settlement
of each and every claim against the City of San Diego, its agents and employees, resulting from
the property claims of Metzger Investments, L.P. and Reinhold Metzger, in Superior Court Case
No. 831229.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is
hereby authorized to issue one check in the amount of \$2,658,236, made payable to Old Republic
Title Company.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is
hereby authorized to issue additional checks up to but not exceeding an additional \$841,764 for
demolition and other costs as needed to finalize the settlement.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140,
Public Liability Reserve Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrew Jones
Deputy City Attorney

AJ:slc
07/21/06
Aud.Cert: 2700049
Or.Dept :Risk Management
R-2007-84

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 08 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8-15-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700049

ORIGINATING

DEPT. NO.: 010

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: \$3,500,000.00

Vendor: Metzger Investments, L.P., and Reinhold Metzger

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City resulting from the Property Damage Claims of Metzger Investments, L.P. (\$2,658,236.00 payable to Old Republic Trust Company and various additional checks not to exceed \$841,764.00 for demolition and other related costs).

Date: July 25, 2006 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	81140	81140	3302	4824	081141				\$3,500,000.00
TOTAL AMOUNT										\$3,500,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2700049

AUG - 8 2006

R 301846

Passed by the Council of The City of San Diego on AUG - 8 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 15 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Debbie Leverson-Cruz, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 301846