RESOLUTION NUMBER R- 301931

DATE OF FINAL PASSAGE SEP 2 9 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF PROPERTY DAMAGE CLAIMS.

WHEREAS on May 17, 2005, the City Council [Council] of the City of San Diego [City] authorized by Resolution No. 300434 the expenditure of funds in the amount of \$650,000 for repair and restoration of property subject to the Property Damage Claims of Kendar Pyatt, et al.; and

WHEREAS the previously authorized funds have been expended for this purpose; and

WHEREAS the City authorized Luth and Turley, Inc. to conduct the restoration of the impacted property on behalf of the City; and

WHEREAS at present, there exists a remaining balance owed to Luth and Turley, Inc. for work performed for the City in the amount of \$327,471.62; and

WHEREAS an additional amount of \$20,000 is required to compensate claimants for remaining personal property losses; and

WHEREAS the total amount authorized in settlement of all claims against the City arising from the referenced Property Damage Claims is not anticipated to exceed \$980,118.41; NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

- 1. The sum of up to, but not to exceed \$980,118.48 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage claims of Kedar PYATT, et al.
- 2. The City Auditor and Comptroller to issue one check in the amount of \$327,471.62 payable to Luth and Turley, Inc.
- 3. The City Auditor and Comptroller to issue additional checks up to but not exceeding \$20,000.00 for any additional property damage claims brought by PYATT, et al.
 - 4. The use of storm water funds to fund this settlement.

APPROVED AS TO FORM: MICHAEL J. AGUIRRE, City Attorney

Rv

Carmen A. Brock

Deputy City Attorney

CAB:amj 08/18/06

A/C2700104

Or.Dept:Risk Management

R-2007-227

L- 301931

ELIZABETH S. MALAND
City Clerk

By Deputy City Clerk

Approved: 4-14-04

I hereby certify that the foregoing Resolution was passed by the Council of the City of San

Vetoed: _____(date)

Diego, at this meeting of SEP 26 2006

JERRY SANDERS, Mayor

JERRY SANDERS, Mayor

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

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R- 301931

SEP 26 2006

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| | Kevin Faulconer | V | | | | |
| | Toni Atkins | D | | | | • |
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| | Brian Maienschein | | | ☑ | | · . |
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| | Ben Hueso | V | | | | |
| Date | s of final passage | 2 9 2006 | • | | | |
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| | AUTHENTICATED BY: | | May | or of The City of San | Diego, California | 1. |
| | | | | ELIZABETH S. | | · · · · · · · · · · · · · · · · · · · |
| | (Seal) | • | City C | lerk of The City of San | n Diego, Californ | nia. |
| | | | Ву | an-Ce | peds_ | , Deputy |
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Office of the City Clerk, San Diego, California

Resolution Number

L- 301931