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RESOLUTION NUMBER R- 302324

DATE OF FINAL PASSAGE FEB 14 2007

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

WHEREAS the matter of the property damage claims of Brian Lehmkuhler [Lehmkuhler] claim number LP06-0534-1297; Rudy Leisch [Leisch] claim number LP06-0634-1297; and Gabby Lopez [Lopez] claim number LP07-0534-0688 [collectively, Claims] were considered in Closed Session by the City Council at the regularly scheduled City Council Meeting held on November 15, 2006; and

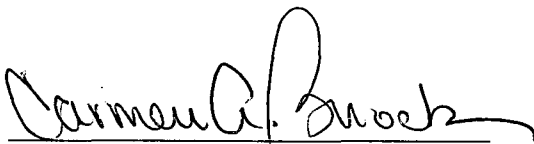
WHEREAS, the Claims were found to result from the collapse of a City corrugated metal storm drain pipe [CMP] located in the Princess Del Sol Unit 1 subdivision in the South Bay, Council District 8; and

WHEREAS, by motion duly made and seconded, the City Council, authorized the payment of the Claims in a total amount not to exceed \$1,333,077.93, NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. The above Recitals are incorporated herein fully by reference and are found to be true.
2. That the Mayor or his designee is hereby authorized and empowered to pay the total sum of \$1,333,077.93 in the settlement of Risk Management Claim Numbers LP06-0534-1297, LP06-0534-1298 and LP07-0534-0688.
3. That the City Auditor and Comptroller is hereby authorized to expend the total sum of \$1,333,077.93 to settle the Claims from the City's general fund, its reserves, or from such other funds as may be allocated for payment of such losses.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Carmen A. Brock
Deputy City Attorney

CAB:amj
11/28/06
AC-2700377
Or.Dept: Civil
R-2007-631

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 30 2007

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.14.07
(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 2700377

ORIGINATING

DEPT. NO.: 084

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: \$1,333,077.93

Vendor: Various Payees

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Brian L. Lehmkuhler.

Date: November 16, 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					1,333,077.93
TOTAL AMOUNT											\$1,333,077.93

FUND OVERRIDE

AC 2700377

R 302324

JAN 30 2007