

RESOLUTION NUMBER R- 302778

DATE OF FINAL PASSAGE JUN 29 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF THE CLAIMS OF THE ESTATE OF BEATRICE MADISON, DONALD K. MADISON, DONALD R. MADISON, KIMBERLY BERRY AND JUDITH BERGERON

WHEREAS, The Estate of Beatrice Madison, Donald K. Madison, Donald R. Madison, Kimberly Berry and Judith Bergeron filed suit against the City of San Diego alleging a dangerous condition of a City street caused the wrongful death of Beatrice Madison and injuries of the named plaintiffs, as set forth in their lawsuit entitled Estate of Beatrice Madison, et al. v. City of San Diego, San Diego County Superior Court Case No. GIC 857262 [Litigation]; and

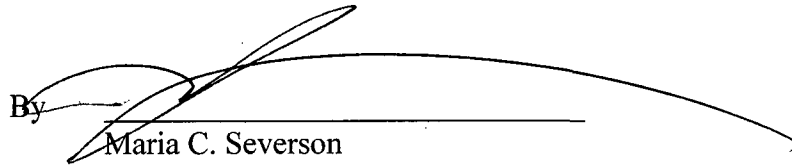
WHEREAS, in the Closed Session Meeting of April 17, 2007, in the matter of Estate of Beatrice Madison, et al. v. City of San Diego, San Diego County-Superior Court Case No. GIC 857262, the City Council voted 5 to 0 to approve settlement. The motion was made by Council President Peters with a second by Council member Atkins. Council members Faulconer, Maienschein and Madaffer were absent.

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

- 1. The total sum of \$699,000 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, arising from the Litigation.

2. The City Auditor and Comptroller to issue checks for each Plaintiff in the total amount of \$699,000, all payable to Belsky and Associates Trust Account.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Maria C. Severson
Chief Deputy City Attorney

MCS:gb
05/31/07
Or.Dept: Risk Mgmt
R-2007-1190

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 26 2007.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 6-29-07

(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 2700817

ORIGINATING

DEPT. NO.: 84

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: \$699,000.00

Vendor: Belsky & Associates Trust fund

Purpose: Authorize the mayor to pay from the public liability fund (81140) the settlement in the Injury/Wrongful death claims of the Estate of Beatrice Madison Et. Al. Authorizes the City Auditor and Comptroller to issue five separate checks made payable to Belsky & Associates Trust Fund.

Date: June 8, 2007

By: *Tom Hallert* 4/8/07
 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	3121	4823	081141				\$699,000.00
TOTAL AMOUNT										\$699,000.00

FUND OVERRIDE

AC 2700817

302778

JUN 26 2007