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(R-2008-561)

RESOLUTION NUMBER R- 303386

DATE OF FINAL PASSAGE FEB 19 2008

A RESOLUTION OF THE CITY COUNCIL APPROVING SETTLEMENT OF CLAIMS OF *DARREN ROYSTER, dba LA JOLLA COVE PROPERTY MANAGEMENT* v. *CITY OF SAN DIEGO*

WHEREAS, in Closed Session on July 17, 2007, by motion of District 3 and second by District 7, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 6, 7; Nays, None; Not Present, Districts 5 and 8; authorized the amount of \$250,000 to pay ongoing expenses and settle all claims of Darren Royster, dba La Jolla Cove Property Management [Claimant] against the City of San Diego; and

WHEREAS, to date, the amount of \$135,709.26 has been paid for ongoing expenses resulting from said claim; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is hereby authorized and empowered to pay from the Water Liability Fund the additional amount of \$114,290.74 in the settlement of each and every claim of Claimant against the City, its agents and employees, arising from a series of water main breaks occurring prior to and on or about April 22, 2007 as set forth in prior Claims and Claim No. LP07 0705 1955.

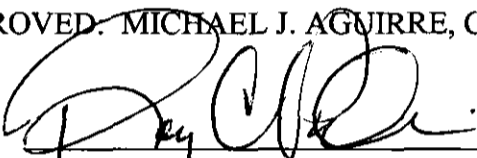
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to appropriate and issue one check in the amount of \$114,290.74 payable to Claimant in full settlement of all claims pursuant to the Settlement Agreement entered into by and between the parties.

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BE IT FURTHER RESOLVED, that said funds are to be payable from Water Liability Fund No. 41500.

BE IT FURTHER RESOLVED, that this activity is not a "project" and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060 (c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Raymond C. Palmucci
Deputy City Attorney

RCP:js
01/08/08
Or.Dept:CityAtty
R-2008-561

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of FEB 5 2008.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 2.19.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800517
DEPT. NO.: 045

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: _____

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: \$114,290.74

Vendor: Darren Royster

Purpose: Authorizing the expenditure of funds for the settlement of claims arising from real and personal property damage resulting from water main breaks in the vicinity of 2915-2933 Boundary Street, San Diego.

Date: January 17, 2008 By: L. Chim 

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
01	0	41500	760	503	4824	050301					114,290.74
TOTAL											\$114,290.74

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2800517

R 303386

FEB 05 2008