



RESOLUTION NUMBER R- 303578

DATE OF FINAL PASSAGE APR 23 2008

**A RESOLUTION AUTHORIZING SETTLEMENT OF
PROPERTY DAMAGE CLAIM TO LA JOLLA COUNTRY
CLUB, INC.**

WHEREAS, in Closed Session on October 6, 2007, by motion of Councilmember Atkins and seconded by Councilmember Frye, by the following Vote: Yeas, 7; Nays, None, with Council President Peters recused, approved the following motion:

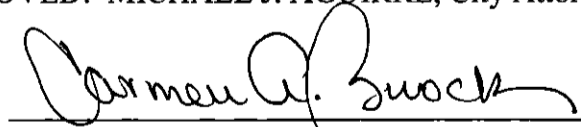
WHEREAS on November 1, 2006, Plaintiff La Jolla Country Club, Inc., [LJCC or Plaintiff], filed suit against the City of San Diego [City] in the matter entitled *La Jolla Country Club, Inc. al. v. City of San Diego*, San Diego Superior Court Case No GIC872163, alleging causes of action for Dangerous Condition of Public Property, Private Nuisance, Inverse Condemnation, and Breach of Contract after an alleged failure of three down-hill drainage pipes crossing LJCC fairways in 2005 [the Litigation]; and

WHEREAS the City in closed session on October 6, 2007 authorized settlement of the Litigation in an amount consistent with the amount set forth below, NOW THEREFORE,

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

1. The sum of seventy thousand dollars (\$70,000) to be paid from the Public Liability Fund in settlement of each and every claim against the City, its agents and employees, arising from the Litigation.
2. That the Public Liability Fund is authorized to issue a check in the amount of \$70,000 payable to La Jolla Country Club, Inc.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

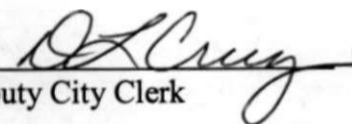
By 
Carmen Brock, Deputy City Attorney

(R-2008-827)

CB:mc
March 25, 2008
Or Dept: Risk Management
R-2008-827

I hereby certify that the foregoing Resolution was passed by the Council of the City of
San Diego, at this meeting of APR 15, 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4-23-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800667

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: _____

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: \$70,000.00

Vendor: La Jolla Country Club, Inc

Purpose: Authorize the Mayor to pay from the Public Liability Fund the sum of \$70,000 in settlement of each and every claim against the City, its agent and employees, resulting from the Property Damage Claim of La Jolla Country Club, Inc. Authorize the City Auditor & Comptroller to issue one check payable to above vendor.

Date: March 21, 2008 By: Christopher Purcell *Christopher Purcell* 3/21/08

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4824	081141				70,000.00
TOTAL										\$70,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

R 303578

APR 15 2008

AC 2800667