(R-2008-827)

RESOLUTION NUMBER R- 303578

DATE OF FINAL PASSAGE APR 2 3 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 Cub, 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

Bv

Carmen Brock, Deputy City Attorney

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 Crug Deputy City Clerk

Approved: (date)

JERRY SANDERS, Mayor

Vetoed: ____(date)

JERRY SANDERS, Mayor

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

I HEREBY available in the T Amount: Purpose: Date:	reasury, or is	anticipat	ted to com		asury, and is o	therwise u	nallotted.		n the f	084 oregoing resolution
evailable in the T Amount: Purpose:	reasury, or is	anticipat	ted to com	e into the Tre	asury, and is o	therwise u	nallotted.			
Purpose:						Fund:				
-										
-										
Date:										
					Ву:				_	
				ACC	COUNTING DATA					
ACCTG. LINE CY PY	FUND C	DEPT_	ORG.	ACCOUNT	JOS ORDER	OPERATION ACCOUNT	BENF/ EQI	IIP FACILI	ry	AMOUNT
		=								
OTAL AMOUNT	т								-	
OTAL AMOUNT	<u> </u>									FUND OVERRIDE
	of said contra	act, that	equirements sufficient	s of the Chart moneys to m	y of the provis er of the City neet the oblig	ions of the of San Dieg ations of s	Charter of o, that suf aid contra	the City of ficient mo ct are act	of San I neys ha wally in	thorized by the here Diego; and I do here ave been appropriate to the Treasury, or a
nticipated to co ow actually in t therwise unenc	of said contra ome into the Ti the Treasury,	act, that reasury,	equirements t sufficient to the cre r with the	s of the Chart moneys to m dit of the app moneys antic	y of the provis er of the City oneet the oblig ropriation fron	ions of the of San Dieg ations of s of which the	Charter of o, that suf aid contract same are	the City of ficient mo ct are act to be dra	of San [neys ha ually in wn, an	Diego; and I do here ave been appropriat
nticipated to co ow actually in t therwise unencu	of said contra ome into the Ti the Treasury,	act, that reasury,	equirements t sufficient to the cre r with the	s of the Chart moneys to n dit of the app	y of the provis er of the City oneet the oblig ropriation fron	ions of the of San Dieg ations of s of which the	Charter of o, that suf aid contract same are	the City of ficient mo ct are act to be dra	of San [neys ha ually in wn, an	Diego; and I do here ave been appropriate a the Treasury, or a d that the said mone
nticipated to co ow actually in t therwise unence ot to Exceed:	of said contra ome into the Ti the Treasury,	act, that reasury, together	equirements t sufficient to the cre r with the	s of the Chart moneys to m dit of the app moneys antic	y of the provis er of the City oneet the oblig ropriation fron	ions of the of San Dieg ations of s of which the	Charter of o, that suf aid contract same are	the City of ficient mo ct are act to be dra	of San [neys ha ually in wn, an	Diego; and I do here ave been appropriate a the Treasury, or a d that the said mone
nticipated to co ow actually in t therwise unence of to Exceed: endor: La turpose: At the	of said contraction of said contraction of the Treasury, umbered. a Jolla Country uthorize the Mate City, its ager	reasury, together y Club, Ir layor to p	equirements t sufficient t to the cre r with the \$ nc pay from th mployees,	s of the Chartemoneys to mode of the appropriate of	y of the proviser of the City oneet the oblig ropriation from ipated to complete the complete th	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage C	Charter of no, that suf aid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in what and dit of s	Diego; and I do here ave been appropriate a the Treasury, or a d that the said mone
nticipated to co ow actually in t therwise unence ot to Exceed: endor: La urpose: At the	of said contra ome into the Ti the Treasury, umbered. a Jolla Country	reasury, together y Club, Ir layor to p	equirements t sufficient t to the cre r with the \$ nc pay from th mployees,	s of the Chartemoneys to mode of the appropriate of	y of the proviser of the City oneet the oblig ropriation from ipated to complete the complete th	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage C	Charter of no, that suf aid contract same are Treasury,	the City of ficient mo of are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s each a ntry Clu	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a and every claim again b, Inc. Authorize the
nticipated to co ow actually in t therwise unence of to Exceed: endor: urpose: Au the	of said contraction of said contraction of the Treasury, umbered. a Jolla Country uthorize the Maie City, its agerity Auditor & C	y Club, Ir layor to pent and en	equirements t sufficient t to the cre r with the \$ nc pay from th mployees,	s of the Chartemoneys to mode of the appropriate of	y of the proviser of the City oneet the oblig ropriation from ipated to combine the Europe the Property ayable to above	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage C	Charter of po, that suffaid contract same are Treasury,	the City of ficient mo of are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s each a ntry Clu	Diego; and I do here ave been appropriate the Treasury, or a distribution that the said moneral appropriation, a said appropriation, and every claim again
nticipated to co ow actually in t therwise unence lot to Exceed: lendor: La turpose: Au th	of said contraction of said contraction of the Treasury, umbered. a Jolla Country uthorize the Maie City, its agerity Auditor & C	y Club, Ir layor to pent and en	equirements t sufficient t to the cre r with the s nc pay from th mployees, ler to issue	s of the Chartemoneys to mode of the appropriate of	y of the proviser of the City oneet the oblig ropriation from ipated to combine the Europe the Property ayable to above	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70,000 Damage Cie vendor.	Charter of po, that suffaid contract same are Treasury,	the City of ficient mo of are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s each a ntry Clu	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a and every claim again b, Inc. Authorize the
nticipated to co ow actually in t therwise unence of to Exceed: endor: La urpose: Atth Ci rate:	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70,000 Damage Cie vendor.	Charter of po, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the
nticipated to co ow actually in t therwise unence of to Exceed: endor: La urpose: Atth Ci rate:	of said contraction into the Treasury, umbered. a Jolla Country uthorize the Maie City, its ager ity Auditor & C	y Club, Ir layor to pent and er Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By:	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the
nticipated to co ow actually in t therwise unence lot to Exceed: lendor: La lurpose: Atth Ci late: ACCTG. LINE CYPY	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the
nticipated to co ow actually in t therwise unence lot to Exceed: /endor: La /urpose: Au the Ci /ate: ACCTG. LINE CYPY	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the
nticipated to co low actually in the therwise unence lot to Exceed: /endor: La Purpose: Au the Ci Date: ACCTG. CYPY	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the
nticipated to co low actually in the therwise unence lot to Exceed: /endor: La Purpose: Au the Ci Date: ACCTG. CYPY	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in wwn, an dit of s	Diego; and I do here ave been appropriate the Treasury, or a did that the said moneral appropriation, and every claim against b, Inc. Authorize the Amount 70,000.00
Inticipated to conow actually in the otherwise unenculot to Exceed: Vendor: La Purpose: Au the Ci Date: ACCTG. LINE CYPY	of said contraction of said contraction of the Treasury, the Treasury, umbered. a Jolla Country of the Male City, its agerity Auditor & C	y Club, Ir layor to pent and en Comptroll	equirements t sufficient t to the cre r with the sufficient to the cre r with the sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue sum to pay from the mployees, ler to issue	s of the Chartemoneys to modit of the appropriate o	y of the proviser of the City neet the oblig ropriation from ipated to combine the Property ayable to above By: COUNTING DATA JOB ORDER	ions of the of San Dieg ations of san Dieg ations of san which the e into the um of \$70, Damage Cie vendor. Christophe	Charter of no, that suffaid contract same are Treasury,	the City of ficient mo ct are act to be dra to the cre	of San I neys ha ually in what is a market and it of s	Diego; and I do here ave been appropriate the Treasury, or a d that the said moneral appropriation, a mid every claim again b, Inc. Authorize the