(R-2008-828)

RESOLUTION NUMBER R- 303579

DATE OF FINAL PASSAGE APR 2 3 2908

A RESOLUTION AUTHORIZING SETTLEMENT OF PROPERTY DAMAGE CLAIM OF ORLANDO B. FOOTE AND OLLIE LINDA FOOTE

WHEREAS, in Closed Session on January 29, 2008, by motion of Council President Pro Tem Jim Madaffer and seconded by Council President Scott Peters, by the following Vote: Yeas, 7; Nays, None; Not Present, Councilmember Faulconer, approved the following motion:

WHEREAS in May 11, 2006, Plaintiffs Orlando B. Foote and Ollie Linda Foote [Plaintiffs], filed a government tort claim [Claim] with the City of San Diego [City] seeking payment for damage to real property owned by Plaintiffs; and

WHEREAS thereafter Plaintiffs timely filed a lawsuit against the City, entitled *Orlando B. Foote and Ollie Linda Foote v. City of San Diego*, San Diego Superior Court Case No. GIC865390 [the Litigation] alleging causes of action for Nuisance, Trespass, Preliminary and Permanent Injunction and Inverse Condemnation arising from the alleged damage sustained to Plaintiffs' real property; and

WHEREAS the City in closed session on January 29, 2008 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 one hundred thirty five thousand dollars (\$135,000) to be paid from the Public Liability Fund in settlement of all of Plaintiffs' claims 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 \$135,000 payable to Orlando B. Foote and Ollie Linda Foote, as joint tenants.

Carmen Brock, Deputy City Atto	orney
CB:mc March 25, 2008 Or Dept: Risk Management R-2008-828	
I hereby certify that the foregoing	g Resolution was passed by the Council of the City of
San Diego, at this meeting ofAPR 1	<u>5 2008</u> , 2008.
	ELIZABETH S. MALAND City Clerk By Och Deputy City Clerk
Approved: 4-23- ox (date)	JERRY SANDERS, Mayor
Vetoed:(date)	JERRY SANDERS, Mayor

APPROVED: MICHAEL J. AGUIRRE, City Attorney

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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