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RESOLUTION NUMBER R- 303579

DATE OF FINAL PASSAGE APR 23 2008

**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

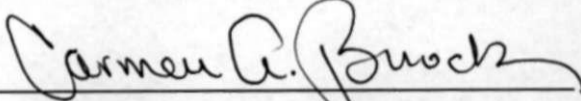
WHEREAS the City in closed session on January 29, 2008 authorized settlement of the Litigation in an amount consistent with the amount set forth below;

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.

(R-2008-828)

APPROVED: MICHAEL J. AGUIRRE, City Attorney


Carmen Brock, Deputy City Attorney

CB:mc
March 25, 2008
Or Dept: Risk Management
R-2008-828

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, 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4-23-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

