

RESOLUTION NUMBER R- **304045**

DATE OF FINAL PASSAGE SEP 05 2008

A RESOLUTION AUTHORIZING SETTLEMENT OF
PROPERTY DAMAGE CLAIM TO MELANIE HEISEY

WHEREAS, in Closed Session on January 29, 2008, by motion made by Council President Pro Tern Madaffer and seconded by Council President Peters, by the following Vote: Yeas, 7; Nays, None, with Councilmember Faulconer absent:

WHEREAS on June 29, 2006, Plaintiff Melanie Heisey, [Plaintiff], filed suit against the City of San Diego [City] in the matter entitled *Melanie Heisey v. City of San Diego*, San Diego Superior Court Case No GIC868390, alleging causes of action for Nuisance, Trespass, Preliminary and Permanent Injunction and Inverse Condemnation, for the City not properly maintaining the City street, curb and gutter in front of her property [the Litigation]; 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 \$100,513.45 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 City Auditor and Comptroller is authorized to issue a check in the amount of \$100,513.45 to Melanie Heisey and her counsel of record, Andrew F. Lloyd, Esq. of Duke Gerstel Shearer, LLP.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

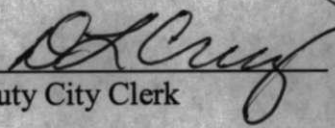


Carmen Brock,
Deputy City Attorney


CB:mc
08/08/08
08/25/08 (COR. COPY)
Or *Dept.* Risk Management
R-2009-141

I hereby certify that the foregoing Resolution was passed by the Council of the City of San
Diego, at this meeting of SEP - 22008 2008.

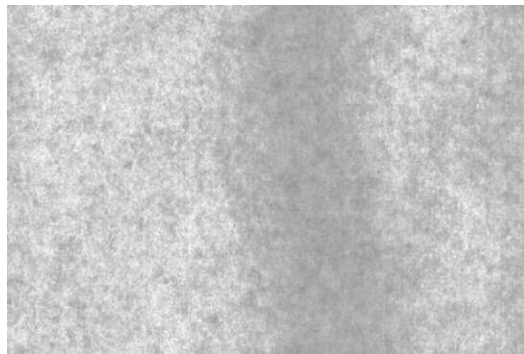
ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-5-08
(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 DEPT. NO.: 2900073
45

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: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

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: \$100,513.45

Vendor: Melanie Heisey and her Attorney of Record Andrew F. Lloyd

Purpose: Authorize the Mayor to the pay the above sum in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim to Melanie Heisey. Authorize the City Comptroller to issue one check for \$100,513.45 made payable to Melanie Heisey and her attorney of record

Date: July 28, 2008

AUDITOR AND COMPTROLLER'S DEPARTMENT

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					\$100,513.45
TOTAL AMOUNT											\$100,513.45

FUND OVERRIDE