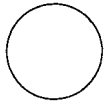


119



RESOLUTION NUMBER R- 304388

DATE OF FINAL PASSAGE NOV 24 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT BETWEEN LEXINGTON INSURANCE COMPANY AND THE CITY OF SAN DIEGO IN THE AMOUNT OF TWO HUNDRED FIFTEEN THOUSAND DOLLARS


WHEREAS, in Closed Session on September 23, 2008, by motion of Councilmember Frye and second by Councilmember Hueso, the City Council, by the following Vote: Yeas, 5; Nays, None; Not Present, Council President Peters, and Councilmembers Atkins and Madaffer, approved the following motion:

To approve the mediated settlement agreement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage claim in *Lexington Insurance Company v. City of San Diego*.

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to issue a check in the sum of \$215,000 made payable to Lexington Insurance Company in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the sum of \$215,000 from the Public Liability Fund 41500.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Bonny Hsu
Deputy City Attorney

HS:my
10/3/07
Or.Dept:Risk
R-2009-322
Aud. Cert: 2900313

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 18 2008.

ELIZABETH S. MALAND
City Clerk

By *[Signature]*
Deputy City Clerk

Approved: 11-21-08
(date)

[Signature]
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 2900313
DEPT. NO.: 760

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: \$215,000.00

Vendor: Lexington Insurance Company

Purpose: Authorizing the Mayor to pay from the Water Utility Fund the sum of \$215,000.00 in settlement of each and every claim against the city, its agents and employees, arising from the Property Damage claim of Lexington Insurance Company as a result of a water main break.

Date: October 15, 2008

By: Norman Reyes *For [Signature]*
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	41500	760	503	4824	50201				215,000.00
TOTAL AMOUNT										\$215,000.00

FUND OVERRIDE