

RESOLUTION NUMBER R- 305010

DATE OF FINAL PASSAGE JUN 29 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ALLOCATION OF SETTLEMENT FUNDS IN THE CASE OF *RICHARD VANN AND NANCIE VANN V. CITY OF SAN DIEGO* SAN DIEGO SUPERIOR COURT CASE NO. 37-2007-000-77983-CU-PO-CTL.

WHEREAS on May 17, 2005, the City Council [Council] of the City of San Diego [City] authorized by Resolution No. 300434 the expenditure of funds up to \$650,000 for repair and restoration of properties affected by a mudslide caused by a broken City storm drain pipe in the La Jolla area of the City [Incident], including property owned by Richard and Nancie Vann; and

WHEREAS on July 24, 2006, by Resolution No. 301931, the Council authorized further funds, up to but not to exceed \$980,118.48, for completion of reconstruction and payment of damages to properties affected by the Incident; and

WHEREAS in 2007, Richard and Nancie Vann filed the case entitled *Richard Vann and Nancie Vann v. City of San Diego*, San Diego Superior Court Case No. 37-2007-000-77983-CU-PO-CTL [Action] claiming inverse condemnation damages arising from the Incident; and

WHEREAS on October 14, 2008, the Council unanimously approved settlement of the Action in the amount of \$217, 403.87 by a vote of 8 to 0;

NOW THEREFORE,

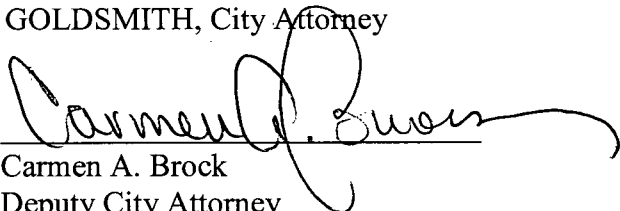
BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$217,403.87 be paid from the Public Liability Fund (81140) in full and final settlement of the Action;
2. The Comptroller to issue one check in the amount of \$217,403.87 payable to Richard and Nancie Vann and their attorney of record, Darren Quinn, Esq. in final settlement of the Action;
3. The expenditure of \$217,403.87 from the Public Liability Fund No. 81140.

APPROVED AS TO FORM:

JAN I. GOLDSMITH, City Attorney

By


Carmen A. Brock
Deputy City Attorney

CAB:mc
R-2009-1108

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 23 2009.

ELIZABETH S. MALAND
City Clerk

By *Jana Richardson*
Deputy City Clerk

Approved: 6-29-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor