

RESOLUTION NUMBER R- 305011

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  
*KEDAR PYATT AND MARY PYATT V. CITY OF SAN DIEGO*,  
SAN DIEGO SUPERIOR COURT CASE NO. GIC 880621.

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 Kedar Pyatt and Mary Pyatt; 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 June of 2007, Kedar and Mary Pyatt filed the case of *Kedar Pyatt and Mary Pyatt v. City of San Diego*, San Diego Superior Court Case No. GIC 880621 [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 \$156,626.33 by a vote of 8 to 0;

NOW THEREFORE,

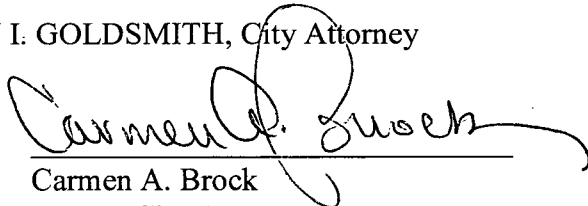
BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$156,626.33 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 \$156,626.33 payable to Kedar and Mary Pyatt and their attorney of record, Darren Quinn, Esq. in final settlement of the Action;
3. The expenditure of \$156,626.33 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-2009-1107

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 *Sara Richardson*  
Deputy City Clerk

Approved: 6-29-09  
(date)

*JS*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor