

RESOLUTION NUMBER R- 305323

DATE OF FINAL PASSAGE OCT 27 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO AUTHORIZING THE ALLOCATION OF  
SETTLEMENT FUNDS IN THE CASE OF  
*KENSINGTON PARK VILLAS ASSOCIATION V.*  
*CITY OF SAN DIEGO*  
SAN DIEGO SUPERIOR COURT CASE  
NO. 37-2008-00090557-CU-EL-CTL

WHEREAS August 26, 2008, Kensington Park Villas Association [KPVA] filed the case entitled, *Kensington Park Villas Association v. City of San Diego*, San Diego Superior Court Case No. 37-2008-00090557-CU-EL -CTL [Action] claiming inverse condemnation damages as a result of failure of a City storm drain traversing KPVA property; and

WHEREAS on May 26, 2009, the City Council unanimously approved settlement of the Action in the amount of \$192,933.44 by a vote of 8 to 0;

NOW THEREFORE,

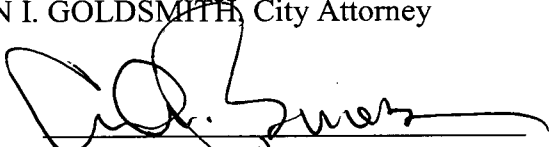
BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$192,933.44 to be paid from the Public Liability Fund (720045) in full and final settlement of the Action;
2. The Comptroller to issue one check in the amount of \$192,933.44 made payable to KPVA and its attorneys of record, Peters & Freedman, LLP, in final settlement of the Action;
3. The expenditure of \$192,933.44 from the Public Liability Fund No. 720045.

APPROVED AS TO FORM:

JAN I. GOLDSMITH, City Attorney

By

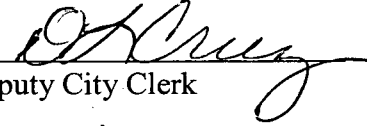


Carmen A. Brock  
Deputy City Attorney

CAB:mc  
R-2010-226

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 13 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10-27-09  
(date)

  
JERRY SANDERS, Mayor

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

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