

RESOLUTION NUMBER R- 305981
DATE OF FINAL PASSAGE JUL 20 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ALLOCATION OF SETTLEMENT FUNDS IN THE CASE OF AKESON, ET AL. V. CITY OF SAN DIEGO, SAN DIEGO SUPERIOR COURT CASE NO. 37-20080078970-CU-E1-CTL.

WHEREAS, homeowners in the Colony Hill Homeowners' Association located in the Caminito Avola and Caminito Rialto vicinity brought legal action against the City of San Diego [City] in the action entitled *AKESON, ET AL. V. CITY OF SAN DIEGO* (SAN DIEGO SUPERIOR COURT CASE NO. 37-20080078970-CU-E1-CTL)[Action], claiming inverse condemnation damages, property damage and personal injury; and

WHEREAS, on February 2, 2010, the City Council approved settlement of the Action by a unanimous vote of 8-0; and

WHEREAS, the City will re-route the 16 inch water main from Caminito Avola to Caminito Rialto. After construction is complete, the City will resurface any portions of the roads within Colony Hill damaged by the construction. This work will be a Capital Project Improvement which will be brought to Council at a later date. The monies received by the City from the settlement of the Action will partially fund this improvement; NOW, THEREFORE,


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

1. The Mayor or his designee to approve the global settlement of the Action;
2. The City will receive \$790,000 in settlement monies from cross-defendants in the Action. Of this amount, the Mayor or his designee authorizes the payment of \$90,000 to

Plaintiff Colony Hill Homeowners Association and its attorneys, Schroeder & Associates, A.P.C., from Water Fund 700011;

- 3. The sum of \$90,000 to be paid from the Water Fund 700011;
- 4. The expenditure of \$15,000 from Water Fund 700011; and
- 5. The payment of \$15,000 to Plaintiff Colony Hill Homeowners Association in Exchange for recordation of a dedicated easement over and across its open space for construction of the re-routed City water main from Water Fund 700011.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
 Catherine A. Richardson
 Deputy City Attorney

CAR:bas
 06/30/2010
 Or.Dept:City Attorney
 R-2010-981

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 13 2010.

ELIZABETH S. MALAND
 City Clerk

By 
 Deputy City Clerk

Approved: 7-20-10
 (date)


 JERRY SANDERS, Mayor

Vetoed: _____
 (date)

 JERRY SANDERS, Mayor