

RESOLUTION NUMBER R- 306099

DATE OF FINAL PASSAGE SEP 15 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN RICHARD S. PEARSON AND THE CITY OF SAN DIEGO, ITS AGENTS AND EMPLOYEES

WHEREAS, on September 22, 2008, Cross-Complainant Richard S. Pearson filed suit against the City of San Diego alleging property damage to real property owned by Richard S. Pearson, located at 817 Oliver Avenue in the City of San Diego. Cross-Complainant Richard S. Pearson brought the cross-action in *Mission and PB Drive v. Richard S. Pearson, et al.*, San Diego Superior Court Case No. 37-2008-84738-CU-OR-CTL, Risk Department Reference No. LP09-0560-0399.

WHEREAS, in Closed Session on June 15, 2010, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6 and 7; Nays, None; and Absent, District 8, approved the Settlement Agreement on file in the Office of the City Clerk as Document No. RL-306099

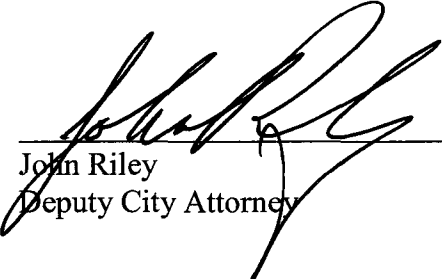
WHEREAS, the City Council in closed session on June 15, 2010 authorized settlement of each and every claim against the City of San Diego for an amount consistent as set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

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

1. The sum of Sixty-Nine Thousand Dollars to be paid from the Public Liability Fund, Fund No. 720045, in settlement of each and every claim arising for property damage to real property owned by Richard S. Pearson, located at 817 Oliver Avenue in the City of San Diego, interest, costs and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, arising from the Litigation.

2. The Comptroller to issue a check in the amount of Sixty-Nine[✓] Thousand Dollars payable to Winters and Associates in Trust for Richard S. Pearson.

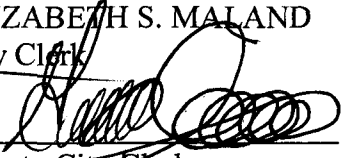
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
John Riley
Deputy City Attorney

JR:jp
7/7/2010
Or.Dept: City Attorney
CC 3000003479
R-2011-43

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 07 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-15-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003479
DEPT. NO.: 1211

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: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: _____ \$69,000.00

Vendor: Winters and Associates in Trust for Richard S. Pearson

Purpose: Authorize the Mayor to pay the sum of \$69,000 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from a breach of contract claim by Richard S. Pearson. Authorize the appropriation and expenditure of \$69,000 from the Public Liability Fund (720045), Authorize the Comptroller to issue one check to above stated vendor for \$69,000.00.

Date: August 3, 2010 By: *Tom Halbit*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045				512007		1515000011		\$69,000.00
TOTAL AMOUNT									\$69,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003479

SEP 07 2010

R- 306099