

RESOLUTION NUMBER 306282

DATE OF FINAL PASSAGE NOV 16 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT OF CHRISTOPHER SMITH, MAUD SMITH AND REBECCA SMITH (A MINOR) (THE SMITHS) AND TIMOTHY CRESTO, CECILIA CRESTO, GIANNA CRESTO (A MINOR) AND JOHN CRESTO (A MINOR) (THE CRESTOS) AGAINST CITY OF SAN DIEGO

WHEREAS on August 14, 2007, Christopher Smith, Maud Desire Smith and Rebecca Smith filed the case *Smith, et al. v. Taylor Woodrow Homes, Inc. et al.*, San Diego Superior Court Case No. 37-2007-00073116-CU-CD-CTL; and on August 31, 2007, Timothy Cresto, Cecilia Cresto, Gianna Cresto and John Cresto filed the case entitled *Cresto, et al. v. Taylor Woodrow Homes, Inc., et al.*, San Diego Superior Court Case No. 37-2007-00074271-CU-CD-CTL (Actions); and

WHEREAS, in Closed Session on June 22, 2010, the City Council approved settlement of all claims in the Actions for the amount of \$200,000 by a vote of 8-0,

NOW THEREFORE,

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

1. The sum of \$200,000 to be paid from the Sewer Fund (700000) in settlement of claims from the Actions.

2. The Comptroller to issue a check in the amount of \$200,000 payable to The Naumann Law Firm , PC, client trust account, TID # 26-4206880 in final settlement of the Actions.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Christine Leone
Christine M. Leone
Chief Deputy City Attorney

CML:msb

06/29/10

Audit. Cert.: 3000003616

Or.Dept: Risk Management

R-2010-972

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 9 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11.16.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000003616
 ORIGINATING DEPT. NO.: _____

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	Functional 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: _____ \$200,000.00

Vendor: Smith v. Taylor Woodrow and Cresto v. Taylor Woodrow

Purpose: Authorizing the expenditure of funds for Settlement of cases entitled Smith v. Taylor Woodrow, SDSC Case No.37-2007-00073116 and Crestov. Taylor Woodrow, SDSC Case No.: 37-2007-00074271

Date: September 22, 2010 By: Weihong Dai

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700000			OTHR-00000000-SU	512007		2011130001		\$200,000.00
TOTAL AMOUNT									\$200,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003616

R 306262

NOV 09 2010