

RESOLUTION NUMBER R- 306375

DATE OF FINAL PASSAGE DEC 7 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN DAVID EGGER AND THE CITY OF SAN DIEGO, ITS AGENTS AND EMPLOYEES

WHEREAS, on July 21, 2009, Complainant David Egger filed suit, *David Egger v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00094404-CU-PO-CTL, against the City of San Diego alleging property damage to real property owned by David Egger, located at 1701 Saturn Boulevard in the City of San Diego. Risk Department Reference No. LP09-0547-1566.

WHEREAS, in Closed Session on October 19, 2010, the City Council by the following votes: Yeas, Districts 1, 3, 4, 6 and 7; Nays, None; and Absent, Districts 2, 5 and 8, approved the Settlement Agreement on file in the Office of the City Clerk as Document No.

RR-306375;


WHEREAS, the City Council in closed session on October 19, 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-Two Thousand Five Hundred 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 David Egger, located at 1701 Saturn Boulevard 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-Two Thousand Five Hundred Dollars payable to Briggs Law Corporation Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Michael J. McGowan
Deputy City Attorney

MM:jp
11/7/2010
Or.Dept: City Attorney
CC 3000003479
R-2011-443

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of Nov 30 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-7-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003711
 DEPT. 1211
 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 indahtadneas 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: _____ \$62,500.00

Vendor: Briggs Law Corporation Trust Account

Purpose: Authorize the Mayor to pay the sum of \$62,500 in settlement of each and every claim against the City resulting from a property damage claim alleged by David Eager in the matter entitled David Egger v City of San Diego. Authorize the appropriation and expenditure of \$62,500 from the Public Liability Fund (720045). Authorize Comptroller to issue \$62,500 check to above stated vendor.

Date: November 3, 2010 By: *Pam Halbert*
 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	1515000011			512007				\$62,500.00
TOTAL AMOUNT									\$62,500.00

FUND OVERRIDE

R 306375

NOV 30 2010