

RESOLUTION NUMBER R- 306856

DATE OF FINAL PASSAGE JUN 22 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
SORRENTO HILLS MARKETPLACE 2, LLC AND THE CITY
OF SAN DIEGO

WHEREAS, Sorrento Hills Marketplace 2, LLC filed a claim with the City of San Diego (City) for damage to its property caused by a water main break at Carmel Mountain Road and Torrey View Court. The water main break caused flooding damage to its property, City of San Diego Risk Management Department Claim number 3312; and

WHEREAS, in Closed Session on April 18, 2011, the City Council, by the following votes: Yeas, District(s) 1, 3, 5, 6, 7, and absent, District(s) 2, 4, 8, approved settlement of the claim for an amount consistent with the amounts set forth below; NOW, THEREFORE,


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

1. The sum of \$133,421.51 to be paid from the Water Utility Operating Fund, Fund 700011, in full and final settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the subrogation claim.

2. Authorize the Chief Financial Officer to expend the amount of \$133,421.51 from the Water Utility Operating Fund, Fund 700011, contingent upon the adoption of the Fiscal Year 2012 Annual Budget, Annual Appropriation Ordinance and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. The Comptroller to issue one check in the amount of \$133,421.51 payable to Sorrento Hills Marketplace 2, LLC.

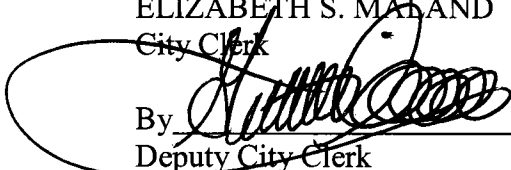
APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Stacy J. Plotkin-Wolff
Assistant City Attorney

SJP: bas
05/11/2011
06/2/2011 (COR.COPY)
Or.Dept:City Atty

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 14 2011.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 6.22.11
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor