

RESOLUTION NUMBER R- 307005

DATE OF FINAL PASSAGE SEP 28 2011

A RESOLUTION APPROVING SETTLEMENT AND RELEASE OF CLAIMS BETWEEN THE CITY OF SAN DIEGO AND HARTFORD CASUALTY INSURANCE COMPANY AS SUBROGEE OF GENALYTE, INC.; AUTHORIZING THE SUM OF \$107,537.92 TO BE PAID IN SETTLEMENT OF CLAIMS FOR DAMAGES SUBMITTED BY HARTFORD CASUALTY INSURANCE COMPANY, ASO GENALYTE, INC.; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND FUNDS; AND AUTHORIZING THE COMPTROLLER TO ISSUE FUNDS.

WHEREAS, Hartford Casualty Insurance Company (Hartford) has submitted a claim to the City for payments it made to its insured, Genalyte, Inc. (Genalyte), for water damage to Genalyte's premises at 11760 Sorrento Valley Rd, Suite R, following the failure of a pressure regulator within the City's water main system (Event); and

WHEREAS, on June 14, 2011, the Council met in Closed Session and approved a settlement amount to Hartford of \$107,537.92; and

WHEREAS, Hartford and the City propose to enter into a Settlement Agreement as attached hereto in order to settle all claims between them and release each other from any and all actions related to the Event; NOW THEREFORE,

BE IT RESOLVED, that the Council for the City of San Diego authorizes the Mayor or a designee to execute a settlement and release of claims between the City of San Diego and Hartford Casualty Insurance Company aso Genalyte, Inc; and

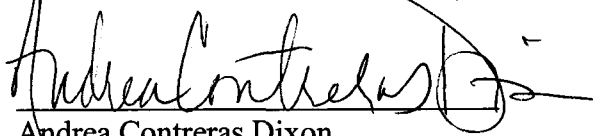
BE IT FURTHER RESOLVED, that the sum of \$107,537.92 is authorized to be paid in settlement of each and every claim for damages, interest, costs and fees of any type, including

attorney fees, against the City, its agents and employees, arising from the claims(s) of Hartford Casualty Insurance aso Genalyte, Inc.; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend the amount of \$107,537.92 from the Public Utilities Water Fund 700011 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; and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to issue a check in the amount of \$107,537.92 made payable to Hartford Casualty Insurance Company.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:ad
07/07/2011
Or.Dept:Risk Management
PL#2011-06789

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~SEP 13 2011~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-28-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor