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12/6

RESOLUTION NUMBER R- 307180

DATE OF FINAL PASSAGE DEC 15 2011

A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE CITY OF SAN DIEGO AND MARTIN AND SUSIE AMMERMAN (CLAIMANTS); AUTHORIZING THE SUM OF \$97,490.52 TO BE PAID TO CLAIMANTS; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND FUNDS; AND AUTHORIZING THE COMPTROLLER TO ISSUE FUNDS.

WHEREAS, Martin and Susie Ammerman (Claimants), owners of real property located at 2872 Nye Street (Property) in the Linda Vista neighborhood of the City of San Diego (City), have submitted a claim to the City for damages to Plaintiff's property resulting from the failure of a City storm drain located near Claimants' property (Incident); and

WHEREAS, on October 4, 2011, the City Council met in Closed Session and approved a settlement to the Claimants in the amount of \$97,490.52; and

WHEREAS, Claimants and the City propose to enter into a Settlement Agreement in order to settle all claims between them and release each other from any and all actions related to the Incident; 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 Martin and Susie Ammerman; and

BE IT FURTHER RESOLVED, that the sum of \$97,490.52 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 of Martin and Susie Ammerman; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend the amount of \$97,490.52 from the Public Liability Fund 720045 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 \$97,490.52 made payable to Martin and Susie Ammerman.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Andrea M. Contreras
Andrea M. Contreras
Deputy City Attorney

AMC:mc
11/03/2011
Or.Dept:Risk Management
Doc. # 2011-07782.002

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 6 2011.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 12.15.11
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor