

122
12/6

RESOLUTION NUMBER R- 307179

DATE OF FINAL PASSAGE DEC 15 2011

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SETTLEMENT AND RELEASE OF CLAIMS BETWEEN THE CITY AND TIM AND KILEEN CORKILL; AUTHORIZING THE SUM OF \$66,956.88 BE PAID TO TIM AND KILEEN CORKILL IN SETTLEMENT OF ALL CLAIMS; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO APPROPRIATE AND EXPEND FUNDS IN THE AMOUNT OF \$66,946.88; AND AUTHORIZING THE COMPTROLLER TO ISSUE ONE CHECK IN THE SUM OF \$66,946.88 TO TIM AND KILEEN CORKILL.

WHEREAS, Tim and Kileen Corkill (Claimants), owners of real property located at 6066 Ponca Court (Property) in the Navajo 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 brow ditch located near Claimants' property (Incident); and

WHEREAS, on October 18, 2011, the City Council met in Closed Session and approved a settlement to the Claimants in the amount of \$66,946.88; 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 Tim and Kileen Corkill; and

BE IT FURTHER RESOLVED, that the sum of \$66,946.88 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 Tim and Kileen Corkill; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend the amount of \$66,946.88 from the Public Liability Fund Number 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 one check in the amount of \$66,946.88 made payable to Tim and Kileen Corkill.

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 [Signature]
Deputy City Clerk

Approved: 12.15.11
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor