

#112
7/31

RESOLUTION NUMBER R- 307635

DATE OF FINAL PASSAGE JUL 31 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN MELISSA SEDLMEIER, KARLEY ROSEN (A
MINOR), DAVID NAVARRETE, SHEILA NAVARRETE AND
THE CITY OF SAN DIEGO

WHEREAS, on February 8, 2010, Melissa Sedlmeier, Karley Rosen (a minor), David Navarrete and Sheila Navarrete filed suit alleging that on June 10, 2009, when the City cleaned its sewer main adjacent to Plaintiffs' home a dangerous condition caused the home to be flooded with sewage. Plaintiffs brought suit in the San Diego Superior Court. The suit is entitled *Melissa Sedlmeier, et al. v. City of San Diego*, Case No 37-2010-00085062-CL-PO-CTL (Litigation); and

WHEREAS, in Closed Session on May 22, 2012, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 6, 7; Nays, None; and absent, Districts 5 and 8, approved settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

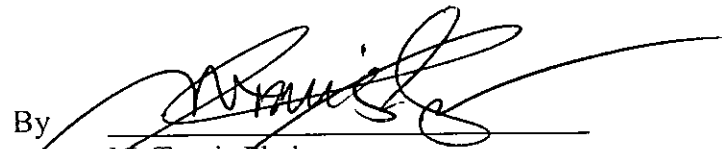
BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The Mayor or his designee to pay the sum of \$3,893.94 from the Municipal Sewer Revenue Fund (Number 700000) in settlement of each and every claim for damages, interest, costs and fees of any type, including attorneys' fees, against the City, its agents and employees, arising from the Litigation;

2. The Chief Financial Officer to appropriate and expend \$3,893.94 from the Municipal Sewer Revenue Fund (Number 700000), 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

3. The Comptroller to issue a check in the amount of \$3,893.94 payable to the Anton C. Gerschler Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
M. Travis Phelps
Deputy City Attorney

MTP:msb
6/29/2012
Or.Dept:Risk Management
Doc. No.: 394768

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 31 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-31-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor