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RESOLUTION NUMBER R- 307807

DATE OF FINAL PASSAGE NOV 16 2012

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SETTLEMENT AND RELEASE OF CLAIMS BETWEEN THE CITY AND FARMER'S INSURANCE EXCHANGE ON BEHALF OF DANIEL BAIANDURIAN; AUTHORIZING THE SUM OF \$152,132.95 BE PAID TO FARMER'S INSURANCE EXCHANGE IN SETTLEMENT OF ALL CLAIMS; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND FUNDS IN THE AMOUNT OF \$152,132.95; AND AUTHORIZING THE COMPTROLLER TO ISSUE ONE CHECK IN THE SUM OF \$152,132.95 TO FARMER'S INSURANCE EXCHANGE.

WHEREAS, Farmer's Insurance Exchange on behalf of Daniel Baiandurian (Claimant), owner of real property located at 6502 El Cajon Boulevard (Property) in the City Heights neighborhood of the City of San Diego (City), submitted a claim to the City for damages to Plaintiff's property resulting from the failure of a City water main located near the Property (Incident); and

WHEREAS, on September 18, 2012, the City Council met in Closed Session and approved a settlement to the Claimants in the amount of \$152,132.95; and

WHEREAS, Claimant 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 Farmer's Insurance Exchange; and

BE IT FURTHER RESOLVED, that the sum of \$152,132.95 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 Farmer's Insurance Exchange; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend the amount of \$152,132.95 from the Public Liability Fund Number 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 one check in the amount of \$152,132.95 made payable to Farmer's Insurance Exchange.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

AMC:mc  
10/15/2012  
Or.Dept:Risk Management  
Doc: #2012-454498

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 13 2012.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 11/14/12  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor