

3/26/2013

(R-2013-426) # 102  
COR. COPY

RESOLUTION NUMBER R- 308055

DATE OF FINAL PASSAGE APR 11 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
MARY G. OSTENSON, ET AL. AND THE CITY OF SAN DIEGO

WHEREAS, on November 22, 2011, Plaintiff Mary G. Ostenson, et al. filed suit against the City of San Diego [City] alleging property damage which occurred between 2009-2010. The suit is entitled *Mary G. Ostenson, et al. v. City of San Diego*, Case No 37-2011-00101481-CU-NP-CTL [Litigation]; and

WHEREAS, the City Council in Closed Session on January 29, 2013, authorized 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,

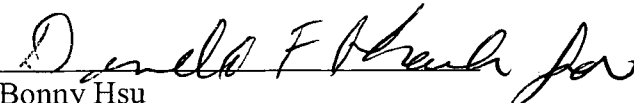
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the sum of \$130,000 to be paid from the Public Liability Fund No. 720045, 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 property damage claim of Mary G. Ostenson, et al., San Diego Superior Court Case No. 37-2011-00101481-CU-NP-CTL.

2. Authorizes the Chief Financial Officer to appropriate and expend \$130,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizes the Comptroller to issue a check in the amount of \$130,000 made payable to Mark Lee Monroe, Trustee of the Mary Edell Akers Trust dated March 15, 1989.

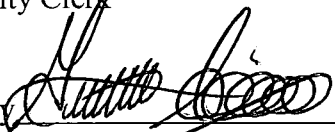
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Bonny Hsu  
Deputy City Attorney

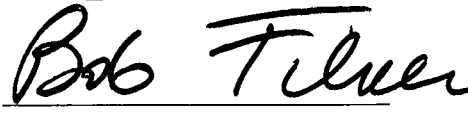
BH:mky  
January 16, 2013  
March 15, 2013 COR. COPY  
Or.Dept: City Atty  
R-2013-426

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 26 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/11/13  
(date)

  
BOB FILNER, Mayor

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

\_\_\_\_\_  
BOB FILNER, Mayor