

RESOLUTION NUMBER R- 308422

DATE OF FINAL PASSAGE SEP 25 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN INTERINSURANCE EXCHANGE OF THE
AUTOMOBILE CLUB AND THE CITY OF SAN DIEGO

WHEREAS, on May 10, 2012, INTERINSURANCE EXCHANGE OF THE
AUTOMOBILE CLUB filed suit against the City of San Diego [City] alleging inverse
condemnation arising from the backup of the City's main sewer line at 874 Cordova Street in
San Diego. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled
Interinsurance Exchange of the Automobile Club v. City of San Diego, San Diego Superior
Court Case No 37-2012-00097014-CU-PO-CTL[Litigation]; and

WHEREAS, in Closed Session on June 25, 2013, the City Council, by the following
votes:

Yeas, District(s) 1, 3, 4, 5, 6, 7, and 9; Nays, None; and absent, District(s) 2 and 8, approved the
Settlement Agreement.

WHEREAS, the City Council in closed session on June 25, 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 Council of the City of San Diego that the Council authorizes:

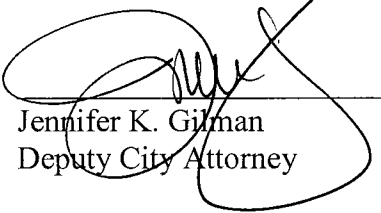
1. The sum of \$89,800 to be paid from the Public Liability Fund No. 720045 in
settlement of each and every claim for damages, interest, costs and fees of any type, including
attorney fees, against the City, its agents and employees, arising from the Litigation.

2. The Chief Financial Officer to appropriate and expend \$89,800 from the
Municipal Wastewater Fund, Fund 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.

3. The Comptroller to issue a check in the amount of \$89,800 payable to the Interinsurance Exchange of the Automobile Club.

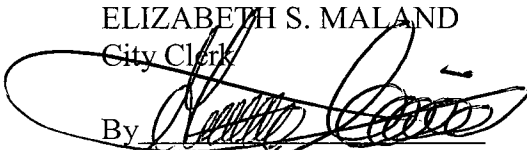
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jennifer K. Gilman
Deputy City Attorney

JKG:jep
July 12, 2013
September 4, 2013 COR. COPY
Or.Dept: City Atty
CC No. 3000006270
Doc. No.: 597567

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 10 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

Approved pursuant to Charter Section 265(i).

Passed by the Council of The City of San Diego on SEP 10 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 25 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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