

RESOLUTION NUMBER R- 308804

DATE OF FINAL PASSAGE MAR 25 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN CBS RADIO AND THE CITY OF SAN DIEGO

WHEREAS, CBS Radio has submitted a property damage claim to the City of San Diego as a result of a sewer backup on July 5, 2012; and

WHEREAS, this is a pre-litigation claim, which occurred at 8033 Linda Vista Road; and

WHEREAS, CBS Radio seeks reimbursement of \$292,579, which was approved at Closed Session on November 5, 2013; and

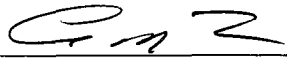
WHEREAS, CBS Radio and the City propose to enter into a Settlement Agreement in order to settle all claims between them and release each other from any and all actions related to the Event; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, authorizes the Mayor or a designee to pay the sum of \$292,579 in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City of San Diego, its agents and employees resulting from the property damage claim of CBS Radio.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend the amount of \$292,579 from the Public Utilities Municipal Sewer 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.

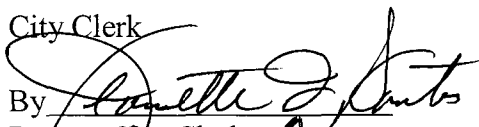
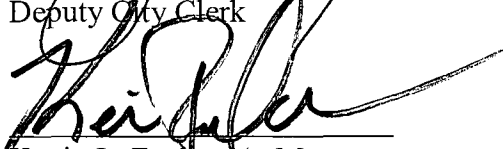
BE IT FURTHER RESOLVED, that the Comptroller is authorized to issue one check in the amount of \$292,579 made payable to CBS Radio

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Charles H. Taylor  
Deputy City Attorney

CHT:tsc  
2/27/2014  
Or.Dept:Risk Management  
CC No. 3000006687  
Doc. No. 736267

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 11 2014.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk  
  
Kevin L. Faulconer, Mayor

Approved: 3/20/2014  
(date)

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

\_\_\_\_\_  
Kevin L. Faulconer, Mayor

MAR 11 2014

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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"/> |
| District 2 (Vacant) | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Todd Gloria         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Myrtle Cole         | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Date of final passage MAR 25 2014

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

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By *Janette J. [Signature]*, Deputy

Office of the City Clerk, San Diego, California

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