(R-2014-685) COR. COPY

DATE OF FINAL PASSAGE MAY 1 5 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A SETTLEMENT BETWEEN SAVE OUR HERITAGE ORGANISATION (SOHO), a non-profit corporation; AND THE CITY OF SAN DIEGO

WHEREAS, on August 2, 2011, SAVE OUR HERITAGE ORGANISATION [SOHO], a non-profit corporation, filed suit against the City of San Diego [City] alleging that a Memorandum of Understanding [MOU] between the City and the Plaza de Panama Committee, concerning a development project in Balboa Park, constituted a pre-commitment of the City to the Committee-proposed project. The suit is entitled *Save Our Heritage (SOHO) v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL [the Litigation]; and

WHEREAS, SOHO obtained a final Judgment and issuance of a Writ of Mandate setting aside the MOU; and

WHEREAS, SOHO moved the Court for an award of attorney's fees and costs; and WHEREAS, SOHO offered to settle its claim for all attorney's fees and costs in the Litigation for the amount set forth below; and

WHEREAS, the City Council in closed session on April 29, 2014, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9); Nays, None, authorized settlement of SOHO's claim for attorney's fees and costs in the Litigation for the amount set forth below;

NOW, THEREFORE,

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

- 1. Authorizing the Mayor or his designee to pay the sum of \$355,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Judgment in Save Our Heritage Organisation (SOHO) v. City of San Diego, San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL
- 2. Authorizing the Chief Financial Officer to appropriate and expend \$ 355,000 from the Public Liability Fund, Fund 720045, 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. Authorizing the Comptroller to issue a check in the amount of \$355,000, made payable to Petitioner SOHO's attorney, Brandt-Hawley Law Group.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Assistant City Attorney

DRW:sic

5/9/2014 COR. COPY

5/2/2014

Or.Dept: City Attorney CC No. 3000006945 Doc. No.: 784118

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 1 3 2014

	City Clerk
Approved: 5/14 (date)	By Karm (ha) Deputy City Clerk KEVIN L. FAUL CONER, Mayor
Vetoed:	
(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

TOTAL AMOUNT FUND OVERPIDE CERTIFICATION OF UNENCUMBERED BALANCE I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached esolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, conformity with the requirements of the Charter of the City of San Diego; hat sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys now actually in the Treasury, or are anticipated to come into the Treasury of the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the noneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. Not to Exceed: \$355,000.00 Vendor: Claim No. 5015 Save Our Heritage Organization (SOHO) To pay for settlements in Claim No. 5015- Save our Heritage Organization Date: Many 7th, 2014 By: Holly Hernandez COMPTROLLER'S DEPARTMENT ACCOUNTING DATA Business					CERTIFICATE (OF UNALLOT	IEU BALA	NCE	ORIGINATING	CC 3000006945 DEPT. NO.: 1515
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Passed by the Council of The Cit	y of San Diego on	MAY 1 3	3 <u>2014</u> , by	the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner				
Ed Harris				
Todd Gloria				
Myrtle Cole	B,			
Mark Kersey	3			
Lorie Zapf				
Scott Sherman	2			
David Alvarez				
Marti Emerald	3			
Oate of final passage (Please note: When a resolution approved resolution was return AUTHENTICATED BY:		the City Cle	r k.) KEVIN L. FA	
				3,
(Seal)		City	. ,	S. MALAND of San Diego, California.
			•	
		Office of	the City Clerk Sa	n Diego, California

Resolution Number R-_

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