Item #102 - 6/24/14 (R-2014-798)

RESOLUTION NUMBER R. 309084

DATE OF FINAL PASSAGE JUL 0 7 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN 15TH & MARKET INVESTORS, L.P. AND THE CITY OF SAN DIEGO

WHEREAS, 15th & Market Investors, L.P. filed a claim with the City of San Diego (City) for damage to its property caused by a water main break that occurred on February 20, 2013 at the intersection of 14th Street and F Street in downtown San Diego. The water main break caused flooding damage to its property, City of San Diego Risk Management Department Claim number 8120.

WHEREAS, in Closed Session on April 15, 2014, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7; Nays, None; and absent, Districts 8, 9 approved the settlement of the claim for an amount consistent with the amounts set forth below; NOW, THEREFORE,

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

- 1. The sum of \$395,626.64 to be paid from the Water Utility Operating Fund, Fund 700011, in full and final 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 15th & Market Investors LP.
- 2. Authorizing the Chief Financial Officer to expend the amount of \$395,626.64 from the Water Utility Operating Fund, Fund 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.

3. Authorizing the Comptroller to issue one check in the amount of \$395,626.64 made payable to 15th & Market Investors LP.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Stacy J. Plotkin-Wolff
Deputy City Attorney

SJP:ctm 6/10/2014

Or.Dept:City Attorney

CC: 3000006927 Doc. No.: 802429

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of __JUN_24_7014

Approved: 7/7/14
(date)

ELIZABETH S. MALAND
City Clerk

By Number of City Clerk

KEVIN L. FAULCONER, Mayor

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The Ci	ty of San Diego on	JUN 24	, by	, by the following vote:		
Councilmembers	Yeas	Nays	Not Present	Recused		
Sherri Lightner	. 🗾					
Ed Harris	\mathbf{Z}					
Todd Gloria	· [Z]					
Myrtle Cole	, Z			🖸		
Mark Kersey	\square					
Lorie Zapf	\mathbf{Z}					
Scott Sherman						
David Alvarez	$ ot\!\!\!/$					
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(Please note: When a resolution approved resolution was return				age is the date the		
		KEVIN L. FAULCONER				
AUTHENTICATED BY:		Mayor of The City of San Diego, California.				
(7.1)		ELIZABETH S. MALAND City Clerk of The City of She Diego, Colifornia				
(Seal)		City Clerk of The City of San Diego, California.				
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