

RESOLUTION NUMBER R- 309084

DATE OF FINAL PASSAGE JUL 07 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN 15<sup>TH</sup> & 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 14<sup>th</sup> 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:

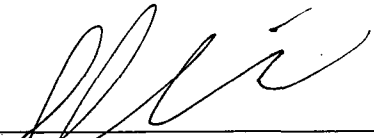
1. The sum of \$395,626.64 to be paid from the Water Utility Operating Fund, Fund 700011, in full and final settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the property damage claim 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.

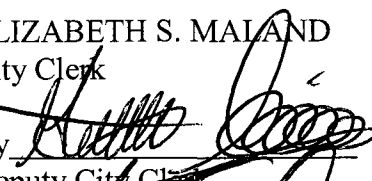

APPROVED: JAN I. GOLDSMITH, City Attorney

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 2014~~

ELIZABETH S. MALAND  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk  
  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Approved: 7/7/14  
(date)

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO. CC 3000006927  
 DEPT. NO. 2013

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**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 resolution, 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, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to 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 moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$395,626.64

Vendor: 15th and Imperial Investors, LP

Purpose: Settlement of property damage claim of 15th & Market Investors LP for damage occurring from a cast iron water main break on February 20, 2013 at 14th Street and F Street.

Date: 5/21/14 By: Amy Pinlon  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	700011				512007		2013171112		\$395,626.64
TOTAL AMOUNT									\$395,626.64

FUND OVERRIDE

CC 3000006927

Passed by the Council of The City of San Diego on JUN 24 2014, 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"/>
Ed Harris	<input checked="" 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 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 JUL 07 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 , Deputy

Office of the City Clerk, San Diego, California

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