

RESOLUTION NUMBER R- 310582

DATE OF FINAL PASSAGE JUL 13 2016

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO AUTHORIZING THE ALLOCATION OF
SETTLEMENT FUNDS IN THE CASE OF *LOWE SD
CALIFORNIA PROPERTY, LLC V. CITY OF SAN DIEGO*
SAN DIEGO SUPERIOR COURT CASE NO. 37-2015-00025959.

WHEREAS, in August of 2015, Lowe SD California Property, LLC (Plaintiff) filed the case entitled, *Lowe SD California Property, LLC v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00025959 [Action]; and

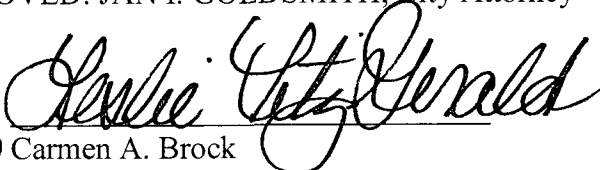
WHEREAS, on April 26, 2016, the City Council unanimously approved settlement of all issues in the Action for the amount of \$\$1,257,440.00; NOW, THEREFORE,

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

1. The Mayor to pay the sum of \$1,257,440.00 from the Public Liability Fund No. 720045 to Lowe SD California Property LLC in settlement of the Action;
2. The Chief Financial Officer to appropriate and expend \$1,257,440.00 from the Public Liability Fund No. 720045 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; and

3. The Comptroller to issue a check in the amount of \$1,257,440.00 made payable to
Lowe SD Property, LLC.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
for Carmen A. Brock
Deputy City Attorney

CAB:msr
06/22/2016
07/11/16 Cor. Copy
07/13/16 Cor. Copy 1
Or.Dept: City Attorney
CC: 3000009114
Doc. No.: 1310536

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 12 2016.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

See attached memo and signature page.

**Office of
The City Attorney
City of San Diego**

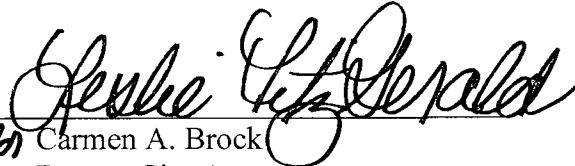
**MEMORANDUM
MS 59**

(619) 533-5800

DATE: July 14, 2016
TO: City Clerk
FROM: City Attorney
SUBJECT: Docket Item 103 July 12, 2016

Attached to this memorandum is Resolution number R-2016-746 Cor. Copy 1. "R-310582" has been removed from the upper right hand corner of the resolution and replaced with "R-2016-746 Cor. Copy 1."

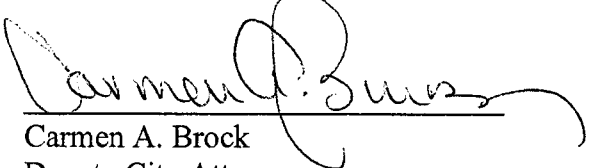
JAN I. GOLDSMITH, CITY ATTORNEY

By 
for Carmen A. Brock
Deputy City Attorney

CAB/LAF:nja
Doc. No.: 1322582

3. The Comptroller to issue a check in the amount of \$1,257,440.00 made payable to
Lowe SD Property, LLC.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Carmen A. Brock
Deputy City Attorney

CAB:msr
06/22/2016
07/11/16 Cor. Copy
Or.Dept: City Attorney
CC: 3000009114
Doc. No.: 1310536

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 12 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/13/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

JUL 12 2016

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"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Chris Cate	<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 13 2016


(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
Resolution Number R- <u>310582</u>