(R-2016-747) COR. COPY 1

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

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

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

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
ELIZABETH S. MALAND City Clerk Deputy City Clerk
Approved: (date) KEVIN L. FAULCONER, Mayor
Vetoed: (date) KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Purpos	se:	Settlement of the case of Lowe SD California Property LLC v. City of San Diego							
		June 30, 2016 By: Coleen Maddox VOLUU WOULD							
Date:		June 30, 2016 By: Coleen Maddox VIOVIVI IV VIOVALISM COMPTROLLER'S DEPARTMENT							
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Resolution Number R-____310582

Office of the City Clerk, San Diego, California