RESOLUTION NUMBER R- 310720

DATE OF FINAL PASSAGE NOV 01 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN UNITED SERVICES AUTOMOBILE ASSOCIATION (USAA) AND THE CITY OF SAN DIEGO.

WHEREAS, on March 15, 2016, UNITED SERVICES AUTOMOBILE ASSOCIATION filed suit against the City of San Diego [City] for recovery of a property damage claim. Plaintiff brought suit in the San Diego Superior Court for the County of San Diego. The suit is entitled *United Services Automobile Association, as Subrogee of Judith Walkowiak v. City of San Diego*, San Diego Superior Court Case No. 37-2016-00008611-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on July 26, 2016 the City Council, by the following votes: Yeas, District(s) 1, 3, 4, 6, 7 and 8; Nays, None; Absent, District(s) 2, 5 and 9; approved the Settlement.

WHEREAS, the City Council in closed session on July 26, 2016 authorized the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; 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 \$105,000.00 from the Municipal Sewer Revenue Fund No. 700000, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of USAA vs. City of San Diego San Diego Superior Court Case No.: 37-2016-00008611-CU-PO-CTL; and

- 2. Authorizing the Chief Financial Officer to expend \$105,000.00 from the Municipal Sewer Revenue Fund No. 700000, 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; and
- 3. Authorizing the Comptroller to issue a check in the amount of \$105,000.00, made payable to "Law Offices of Robert A. Stutman, P.C.

APPROVED: JAN I. GOLDSMITH, City Attorney

Ву	Mally 5 Xloot
•	Molly E. Hoot Deputy City Attorney

MEH:nmm September 23, 2016 Or.Dept: City Attorney CC No. 3000009301

Doc. No.: 1355523

I certify that the formeeting of	oregoing Resolution was part 1 8 2016	ssed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk
Approved:	10/31/16	By Kinds Ivers Deputy City Clerk
ripproved.	(date)	KEVIN L. FAULCONER, Mayor
Vetoed:	(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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sed by the Council of Th	ne City of San Diego on	OCT	1 8 2016 , by	the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	7			
Lorie Zapf	\mathbf{Z}			
Todd Gloria	\mathbf{Z}			
Myrtle Cole	$ ot \hspace{-1em} \not \square$			
Mark Kersey	\mathbb{Z}			
Chris Cate	$ ot \hspace{-1em} \mathbb{Z}$			
Scott Sherman				
David Alvarez	$ ot\!\!\!/$			
Marti Emerald	\square			
ite of final passage	NOV 0 1 2016			
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JITHENTICATED BY:		Ma	ayor of the City of	San Diego, California.
(Seai)		City	ELIZABETH Clerk of The City of	S. MALAND of San Diego, California.
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		Office of	the City Clerk, Sa	n Diego. California

310720

Resolution Number R-