

RESOLUTION NUMBER R- 311619

DATE OF FINAL PASSAGE APR 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN LOIRE VALLEY HOMEOWNERS ASSOCIATION AND THE CITY OF SAN DIEGO.

WHEREAS, on December 26, 2012, Plaintiff Loire Valley Homeowners Association filed suit against the City of San Diego alleging property damage arising from a ruptured storm drain that occurred on December 28, 2010. The suit is entitled *Loire Valley Homeowners Association v. City of San Diego*, San Diego Superior Court, Case No. 37-2012-00088561-CU-EI-CTL; and

WHEREAS, in closed session on November 14, 2017, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, none, approved the settlement of Plaintiff's claims for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW,

THEREFORE,

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

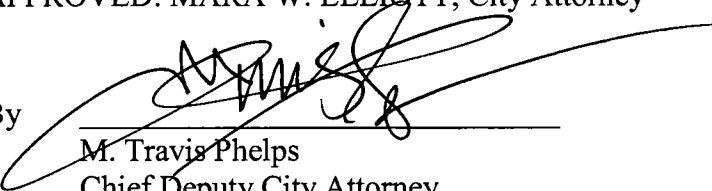
1. Authorizes the Mayor or his designee to pay the sum of \$215,000.00 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of Loire Valley Homeowners Association v. City of San Diego, San Diego Superior Court, Case No. 37-2012-00088561-CU-EI-CTL.

2. Authorizes the Chief Financial Officer to expend \$215,000.00 from the Public Liability Fund No. 720045, 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. Authorizes the Comptroller to issue a check in the amount of \$215,000.00 made payable to Ryan Carvalho LLP Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
M. Travis Phelps  
Chief Deputy City Attorney

MTP:msb  
November 28, 2017  
Or.Dept: City Attorney  
CC No. C3000010886  
Doc. No.: 1698235

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 20 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/2/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000010886  
 DEPT. NO.: 1211

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: \_\_\_\_\_ Fund: \_\_\_\_\_

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: \_\_\_\_\_ \$215,000.00

Vendor: Ryan Carvalho LLP Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of property damage claim filed by Loire Valley Homeowners Association, Risk Mgmt File No. 4725.

Date: March 6, 2018 By: Lina Chlm  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512007	1515	1515000011		\$215,000.00
TOTAL AMOUNT									\$215,000.00

Passed by the Council of The City of San Diego on MAR 20 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 03 2018.

(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.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311619