RESOLUTION NUMBER R- 311978

DATE OF FINAL PASSAGE SEP 27 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN METROPOLITAN TRANSIT SYSTEM AND THE CITY OF SAN DIEGO

WHEREAS, on July 30, 2017, METROPOLITAN TRANSPORTATION SYSTEM filed a claim against the City of San Diego [City] alleging property damage arising from a break in the City's water main at Kettner Boulevard and Juniper Street in Little Italy; and

WHEREAS, in Closed Session on July 31, 2018, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 7, 8, and 9; Nays, None; and absent, 6, approved the Settlement 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:

- 1. Authorize the Mayor or his designee to pay the sum of \$88,830.19 from Water Utility Operating Fund No. 700011, 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 filed by Metropolitan Transit System.
- 2. Authorize the Chief Financial Officer to expend \$88,830.19 from Water Utility Operating Fund No. 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.

payable to Metropolitan Transit System. APPROVED: MARA W. ELLIOTT, City Attorney By Dave E. Abad Deputy City Attorney DA:gb 8/10/2018 Or.Dept: City Attorney CC No. 3000011431 Doc. No.: 1811547 I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_SEP 25 2018 ELIZABETH S. MALAND City Clerk Vetoed: \_ KEVIN L. FAULCONER, Mayor (date)

Authorize the Comptroller to issue a check in the amount of \$88,830.19, made

3.

## The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The C	ity of San Diego on _	SE	P 25 2018	, by the following vote:		
Councilmembers Barbara Bry	Yeas	Nays	Not Present	Recused		
Lorie Zapf			$\mathbb{Z}$			
Chris Ward			$\mathbb{Z}$			
Myrtle Cole	Ø					
Mark Kersey						
Chris Cate						
Scott Sherman			$\mathbb{Z}$			
David Alvarez						
Georgette Gomez						
(Please note: When a resolutio approved resolution was return						
AUTHENTICATED BY:		Ma	ayor of The City of S	San Diego, California.		
(Seal)		ELIZABETH S. MALAND City Clerk of The City of San Diego, California.				
(Osal)				. Deputy		
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Office of the City Clerk, San Diego, California

Resolution Number R

311978