

RESOLUTION NUMBER R- 31221.5

DATE OF FINAL PASSAGE FEB 13 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
ALLIED PROPERTY & CASUALTY INSURANCE COMPANY
AND THE CITY OF SAN DIEGO.

WHEREAS, Allied Property & Casualty Insurance Company filed a complaint against the City of San Diego (City) for inverse condemnation as a subrogation action following a water main break near their insured's property located at 4726 Ingraham Street, San Diego, CA on October 21, 2016, which resulted in property damage; and

WHEREAS, on December 4, 2018, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 9; Nays, None; and Absent, 7, 8, approved the settlement of the claim for an amount consistent with the amounts set forth below; NOW THEREFORE

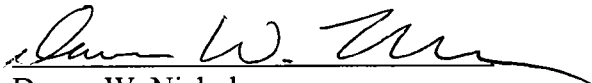
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. A resolution authorizing the Mayor of his designee to pay the sum of \$84,860.00 from Water 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 Allied Property & Casualty Insurance Company.

2. Authorizes the Chief Financial Officer to appropriate \$84,860.00 from Water 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.

3. Authorizes the Comptroller to issue a check in the amount of \$84,860.00, made payable to the Allied Property & Casualty Insurance Company.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Danna W. Nicholas
Deputy City Attorney

DWN:nmm
December 13, 2018
Or.Dept: City Attorney
CC No. 3000011789
Doc. No.: 1893060

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 12 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/13/19
(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 3000011789
DEPT. NO.: 2000

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: _____

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: \$84,860.00

Vendor: Allied Property & Casualty Ins Company.

Purpose: Allied Property & Casualty Ins Comp- Claim# 14299

Date: January 14th, 2019 By: Holly Hernandez

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	700011			OTHR-00000000-WU	512007	2000	2000211101		\$84,860.00
TOTAL AMOUNT									\$84,860.00

Passed by the Council of The City of San Diego on FEB 12 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 13 2019.

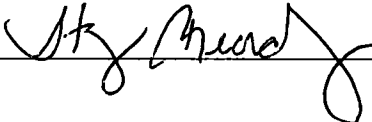
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312215