#/04 (R-2019-302) 2/12/2019

RESOLUTION NUMBER R- 31221.5

DATE OF FINAL PASSAGE FEB 1 3 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 ByDanna 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 1 2 2019 **ELIZABETH S. MALAND** City Clerk Approved: KEVIN L. FAULCONER, Mayor Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The	City of San Diego	on <u>F</u> I	EB 1 2 2019	_, by the following vote:
Councilmembers Barbara Bry Jennifer Campbell Chris Ward Monica Montgomery Mark Kersey Chris Cate Scott Sherman Vivian Moreno Georgette Gómez	Yeas Z	Nays	Not Present	Recused
Date of final passage (Please note: When a resolution date the approved resolution)		-	-	
AUTHENTICATED BY:		Mayo	KEVIN L. FAL or of The City of S	ULCONER San Diego, California.
(Seal)		City Clo	ELIZABETH S. lerk of The City of	S. MALAND San Diego, California. Deputy
		Office of the	e City Clerk, San D	Diego, California

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