

RESOLUTION NUMBER R- 312859

DATE OF FINAL PASSAGE FEB 20 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN CITY OF SAN DIEGO AND LINDSHIELD
RANCHES AND DEVELOPMENT

WHEREAS, on June 23, 2017, CITY OF SAN DIEGO, a Municipal corporation filed suit in San Diego Superior Court against Lindshield Ranches and Development alleging that Lindshield breached a lease agreement between the City and Lindshield. The suit is entitled *City of San Diego v. Lindshield Ranches and Development, Inc.*; SDSC, Case No 37-2017-00022885-CU-BC-NC[Litigation]; and

WHEREAS, in Closed Session on December 10, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, and 9; Nays, None; and absent, Districts 7 and 8, authorized 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,

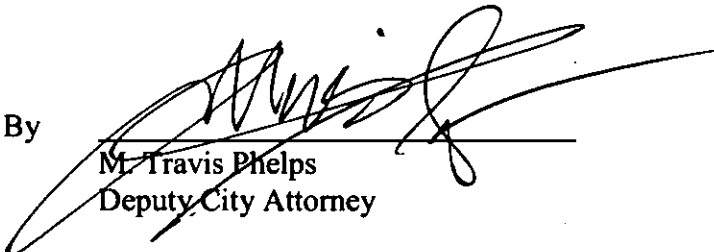
BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The Mayor or his designee to pay the sum of \$136,000 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 litigation.

2. Authorizes the Chief Financial Officer to expend \$136,000 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 Department of Finance to issue a check in the amount of \$136,000, made payable to "Charles D. Nachand Trust Account."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Mr. Travis Phelps
Deputy City Attorney

TLK:jn
12/19/2019
02/21/2020 COR. COPY
Or.Dept: City Attorney
CC No. 3000012907
Doc. No.: 2334162

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 11 2020.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(See attached memo and signature page.)

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: February 21, 2020

TO: Constance Patterson
Legislative Recorder II, Council Actions
CITY OF SAN DIEGO
Office of the City Clerk
ATTN: Matthew Hilario


FROM: Janine Nacar, Legal Secretary, II
For Tyler L. Krentz, Deputy City Attorney

SUBJECT: *City of San Diego v. Lindshield Ranches & Development, Inc.*
San Diego Superior Court Case No. 37-2017-00022885-CU-BC-NC
R-2020-273

Per your request of today's date, attached please find the corrected copy of the resolution (R-2020-273) with the following revisions:

1. Correct Comptroller Certificate #3000012907 referenced on page two;
2. New document number 2334162 referenced on page two;
3. "COR.COPY" referenced on page one;
4. Revised date from 12/19/2019 to 2/21/20 on page two; and
5. "COR. COPY" noted on page two below new date

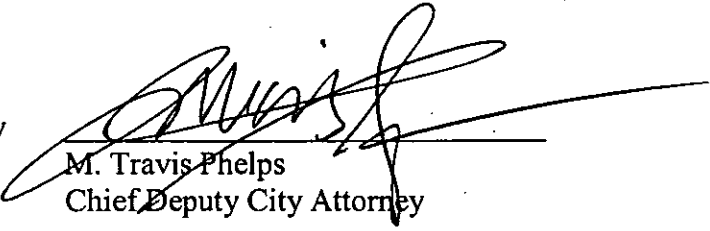
MARA W. ELLIOTT, City Attorney

By 
Janine Nacar
Legal Secretary II

2. Authorizes the Chief Financial Officer to expend \$136,000 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 Department of Finance to issue a check in the amount of \$136,000, made payable to "Charles D. Nachand Trust Account."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
M. Travis Phelps
Chief Deputy City Attorney

TLK:jn
12/19/2019
Or.Dept: City Attorney
CC No. 300012776
Doc. No.: 2270313

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 11 2020

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/20/2020
(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 3000012907
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: \$136,000.00 Fund: 700011

Purpose: Settlement of City of San Diego v. Lindshield Ranches and Development, Inc., San Diego Superior Court Case No. 37-2017-00022885-CU-BC-NC.

Date: January 15, 2020 By: Jessica Tran

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				512052	2000	2000000001		\$136,000.00
TOTAL AMOUNT									\$136,000.00

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: _____

Vendor: _____

Purpose: _____

Date: _____ By: Jessica Tran

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

Passed by the Council of The City of San Diego on FEB 11 2020, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 20 2020

(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 Concise Peterson, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California

Resolution Number R- 312859