(R-2020-316)

RESOLUTION NUMBER R- 312868

DATE OF FINAL PASSAGE FEB 26 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE PARTIAL SETTLEMENT BETWEEN ADAM BABIN AND CITY OF SAN DIEGO

WHEREAS, on July 30, 2019, Plaintiffs Adam Babin and Power Keg Athletics LLC, doing business as Power Keg Crossfit, a California Limited Liability Company, filed suit against the City of San Diego, alleging property damage and lost business income arising from a break in the City's water main at Kettner Boulevard and Juniper Street in Little Italy, entitled *Adam Babin; Power Keg Athletics LLC v. City of San Diego*. Case No. 37-2019-00039404-CU-PO-CTL; and

WHEREAS, in closed session on January 28, 2020, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, none, approved a partial settlement resolving Plaintiffs' property damage claim only in the sum of \$111,000.00; 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 \$111,000.00 from Fund 700011, Water Utility Operating Fund, in settlement of each and every claim for property damage, interest, and costs, against City of San Diego, its agents and employees, arising from the Complaint filed by Adam Babin and Power Keg Athletics LLC, doing business as Power Keg Crossfit, a California Limited Liability Company, entitled *Adam Babin; Power Keg Athletics LLC v. City of San Diego*, San Diego Superior Court Case no. 37-2019-00039404-CU-PO-CTL; and

2. Authorize the Chief Financial Officer to expend \$111,000.00 from Fund 700011, Water Utility Operating, 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; and

City Treasurer; and	
3. Authorize the Department of Fina	ince to issue a check in the amount of
\$111,000.00, made payable to DuFord Law, LLF	o <u>.</u>
By Dave E. Abad Deputy City Attorney	ney
DA:gb January 14, 2020 Or.Dept: City Attorney CC No. 3000012957 Doc. No.: 2302151	
I certify that the foregoing Resolution was passed meeting of Feb. 24, 2020	d by the Council of the City of San Diego, at this
,	ELIZABETH S. MALAND City Clerk
	By Connie Partenson.  Deputy City Clerk
Approved: (date)	KEVIN L. FAULCONER, Mayor
Vetoed: (date)	KEVIN L. FAULCONER, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

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		CERTIFICATE OF UNALLOTTED BALANCE ORGINATING							C 3000012957
				quired for the allotme asury, and is otherwi			irpose set forth in the	e foregoing resolut	tion is available in the
Amou	nt:			\$111,000.00			Fund	: <u>7</u>	00011
Purpo	se:	Partial settlemen		and Power Keg Athlet	tics LLC y, Ci	ty of San I	Diego, San Diego Supe	erlor Case No. 37-20	019-00039404-CU-PO-
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Date:		February 4, 2020				By: Jessica Tran COMPTROLLER'S DEPARTMENT			
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Doc. Item	Fand	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
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Not to	Exceed:					·		-	
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Date: By: Jessica Tran COMPTROLLER'S DEPARTMENT									
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Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Area	Cost Center	WBS	Original Amount
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C-361 (FE	EV 7-0G)							cc	FUND OVERRIDE
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Passed by the Council of The City of San Diego onFEB 2 4 2020, by the following vote:								
Councilmembers	Yeas	Nays	Not Present	Recused				
Barbara Bry	Ø							
Jennifer Campbell	$\square$							
Chris Ward	$oxed{\square}$ .							
Monica Montgomery	$ ot \square$							
Mark Kersey	$ ot \hspace{-1pt} \square$							
Chris Cate	$\square$							
Scott Sherman	Ø							
Vivian Moreno	Ø							
Georgette Gómez	Ϊ <b>/</b>							
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Date of final passage FEB 2	6 2020	·						
(Please note: When a resolution								
date the approved resolution was returned to the Office of the City Clerk.)								
			KEVIN L. FAL	II CONED				
AUTHENTICATED BY:		Mayor of The City of San Diego, California.						
	-		ELIZABETH S	. MALAND				
(Seal)	(Seal)			City Clerk of The City of San Diego, California.				
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Office of the City Clerk, San Diego, California								
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Resolution Number R: 312868								