

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,

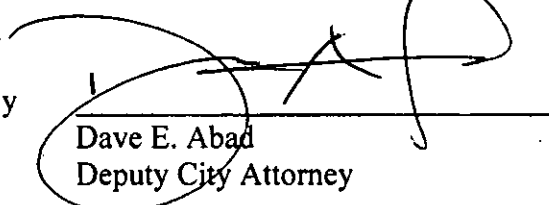
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

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

3. Authorize the Department of Finance to issue a check in the amount of \$111,000.00, made payable to DuFord Law, LLP.

APPROVED: MARA W. ELLIOTT, City Attorney

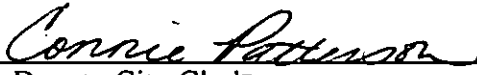
By 

Dave E. Abad
Deputy City Attorney

DA:gb
January 14, 2020
Or.Dept: City Attorney
CC No. 3000012957
Doc. No.: 2302151

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of Feb. 24, 2020.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 2/25/2020

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on FEB 24 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 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 26 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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