06 9-12-23

# RESOLUTION NUMBER R- 315111

## DATE OF FINAL PASSAGE \_\_\_\_\_ SEP 18 2023

## A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN RONALD TURNER, RUTHELLEN NACKMAN, AND CITY OF SAN DIEGO

WHEREAS, on April 19, 2023, Plaintiffs Ronald Turner and Ruthellen Nackman filed suit against the City of San Diego, alleging real property damages from a storm drain replacement project that occurred in 2022 and 2018, entitled *Ronald Turner and Ruthellen Nackman v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2023-00016249-CU-EI-CTL; and

WHEREAS, in Closed Session on July 17, 2023, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 6, 8, and 9; Nays, none; Absent, 5 and 7, approved settlement of Plaintiffs' inverse condemnation claims in the sum of \$95,000.00; 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 \$95,000.00 from Public Liability Fund No. 720045, 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 complaint filed by Plaintiffs Ronald Turner and Ruthellen Nackman. 2. Authorizes the Chief Financial Officer to expend \$95,000.00 from Public

Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Senior Deputy City Attorney

JET:sb July 18, 2023 Or.Dept: City Attorney CC No. 3000016008 Doc. No.: 3362915

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_\_\_\_\_\_.

DIANA J.S. FUENTES City Clerk

By Krustell Allana Deputy City Glerk

9/15 Approved: \_

Vetoed:

(date)

TODD GLORIA, Mayor

#### The City of San Diego COMPTROLLER'S CERTIFICATE

#### CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

TOTAL AMOUNT

3000016008 CC 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution i available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: Purpose: Date:		\$95,000.00										
		Ronald Turner and Ruthellen Nackman v. City of San Diego, et al. San Diego Superior Court Case No. 37-2023-00016249-CU[EI- CTL, Claim No 2504										
			ly 24, 2023	Lauren Rehkopf								
				ACCOUN	TING DATA							
Doc.					G/L	Business						
Item	Fund	Funded Program	Internal Order	Functional Area	Account	Area	Cost Center	WBS	Original Amount			
1	720045	NON-PROGRAM		OTHR-00000000-GG	512007	1515	1515000011		\$95,000.00			
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FUND OVERRIDE

\$95,000.00

### 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:

ACCOUNTING DATA Doc. G/L Business Funded Program Internal Order Functional Area WBS Original Amount Item Fund Account Area Cost Center TOTAL AMOUNT

CC-361 (REV 7-09)

FUND OVERRIDE

3000016008 CC

COMPTROLLER'S DEPARTMENT

By:

San Diego on	SEP 1	<b>2</b> 2023	, by the following vote:
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	_	Yeas Nays	Yeas Nays Not Present

Date of final passage \_\_\_\_\_ SEP 18 2023

(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:

TODD GLORIA Mayor of The City of San Diego, California.

(Seal)

DIANA J. S. FUENTES City Clerk of The City of San Diego, California.

By Krinstell Medina Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-\_

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