

RESOLUTION NUMBER R- 313937

DATE OF FINAL PASSAGE MAR 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE HANOVER INSURANCE COMPANY A/S/O PREFAB GRANITE DEPOT OF OCEANSIDE, INC. AND THE CITY OF SAN DIEGO.

WHEREAS, on July 20, 2021, THE HANOVER INSURANCE COMPANY A/S/O PREFAB GRANITE DEPOT OF OCEANSIDE, INC. filed suit against the City of San Diego [City] alleging one cause of action for inverse condemnation from a water main break on December 7, 2018. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *The Hanover Insurance Company a/s/o Prefab Granite Depot of Oceanside, Inc. v. City of San Diego*, Case Number 37-2021-00030886-CU-EI-CTL; and

WHEREAS, in Closed Session on December 14, 2021, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, 8 and 9; Nays, None and District 2 absent, approved the Settlement; and

WHEREAS, the City Council in closed session on December 14, 2021, authorized settlement of the Litigation 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:

1. Authorizes the Mayor or his designee to pay the sum of \$111,601.24 from Water Utility Operating 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 an amount not to exceed \$111,601.24 from Water Utility Operating Fund No. 700011, for the purpose of settling this litigation.

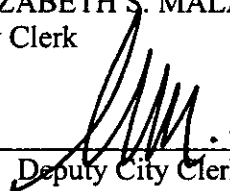
APPROVED: MARA W. ELLIOTT, City Attorney

By s/Catherine Turner
Catherine Turner
Deputy City Attorney

CLBT:ctm/jn2
December 15, 2021
Or.Dept:City Attorney
CC No. 300014508
Doc. No.: 2840364

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 01 2022

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/9/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. 3000014508
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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
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

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: _____ \$111,601.24

Vendor: The Hanover Insurance Company a/s/o Prefab Granite Depot of Oceanside, Inc.

Purpose: Settlement of The Hanover Insurance Company a/s/o Prefab Granite Depot of Oceanside, Inc. v. City of San Diego, San Diego Superior Court Case Number 37-2021-00030886-CU-EI-CTL, Risk No. 21031

Date: January 12, 2022 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 |
|--------------|--------|----------------|----------------|------------------|-------------|---------------|-------------|-----|-----------------|
| 1 | 700011 | | | OTHR-00000000-WU | 512007 | 2000 | 2000211101 | | \$111,601.24 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$111,601.24 |

FUND OVERRIDE
3000014508

Passed by the Council of The City of San Diego on MAR 01 2022, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <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"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <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"/> |
| Raul A. Campillo | <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"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 09 2022

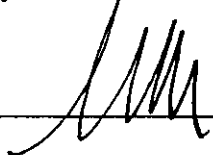
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313937