

RESOLUTION NUMBER R- 310582

DATE OF FINAL PASSAGE JUL 13 2016

A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN DIEGO AUTHORIZING THE ALLOCATION OF  
SETTLEMENT FUNDS IN THE CASE OF *LOWE SD  
CALIFORNIA PROPERTY, LLC V. CITY OF SAN DIEGO*  
SAN DIEGO SUPERIOR COURT CASE NO. 37-2015-00025959.

WHEREAS, in August of 2015, Lowe SD California Property, LLC (Plaintiff) filed the case entitled, *Lowe SD California Property, LLC v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00025959 [Action]; and

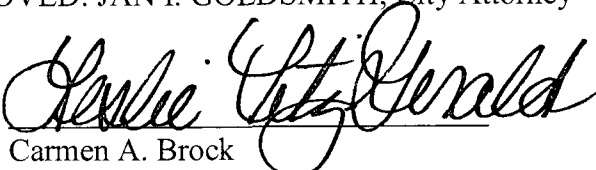
WHEREAS, on April 26, 2016, the City Council unanimously approved settlement of all issues in the Action for the amount of \$1,257,440.00; NOW, THEREFORE,

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

1. The Mayor to pay the sum of \$1,257,440.00 from the Public Liability Fund No. 720045 to Lowe SD California Property LLC in settlement of the Action;
2. The Chief Financial Officer to appropriate and expend \$1,257,440.00 from the Public Liability Fund No. 720045 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. The Comptroller to issue a check in the amount of \$1,257,440.00 made payable to  
Lowe SD Property, LLC.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
for Carmen A. Brock  
Deputy City Attorney

CAB:msr  
06/22/2016  
07/11/16 Cor. Copy  
07/13/16 Cor.Copy 1  
Or.Dept: City Attorney  
CC: 3000009114  
Doc. No.: 1310536

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this  
meeting of JUL 12 2016.

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

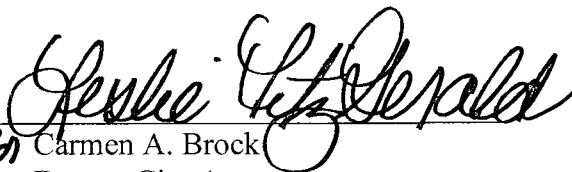
(619) 533-5800

**DATE:** July 14, 2016  
**TO:** City Clerk  
**FROM:** City Attorney  
**SUBJECT:** Docket Item 103 July 12, 2016

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Attached to this memorandum is Resolution number R-2016-746 Cor. Copy 1. "R-310582" has been removed from the upper right hand corner of the resolution and replaced with "R-2016-746 Cor. Copy 1."

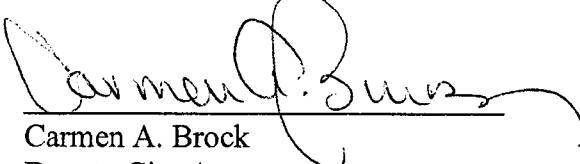
JAN I. GOLDSMITH, CITY ATTORNEY

By   
for Carmen A. Brock  
Deputy City Attorney

CAB/LAF:nja  
Doc. No.: 1322582

3. The Comptroller to issue a check in the amount of \$1,257,440.00 made payable to  
Lowe SD Property, LLC.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Carmen A. Brock  
Deputy City Attorney


CAB:msr  
06/22/2016  
07/11/16 Cor. Copy  
Or.Dept: City Attorney  
CC: 3000009114  
Doc. No.: 1310536

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this  
meeting of JUL 12 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/13/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

DEPT.  
NO:

3000009114

1211

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
001									
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: \_\_\_\_\_ \$1,257,440.00

Vendor: Lowe SD California Property LLC

Purpose: Settlement of the case of Lowe SD California Property LLC v. City of San Diego

Date: June 30, 2016

By: Coleen Maddox

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	100000				512007	9912	9912001112		\$1,257,440.00
TOTAL AMOUNT									\$1,257,440.00

FUND OVERRIDE ☐

3000009114

Passed by the Council of The City of San Diego on JUL 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<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"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 13 2016.

(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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310582