

CITY OF OAKLAND



05 OCT -9 PM 1:30

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Office of the City Attorney
John A. Russo
City Attorney

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October 18, 2005

HONORABLE CITY COUNCIL – CLOSED SESSION Oakland, California

**Subject: Monterey Mechanical Co. v. City of Oakland, et al.
Alameda County Superior Court Case No. RG03103744
City Attorney File No. 23129
Public Works Agency**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, and the action of the Council at October 4, 2005 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00), payable to Monterey Mechanical Co., Richard Hamilton and their attorney of record William Barrett, Esq.

This action arises from flooding on real property located at 8275 San Leandro Street on or around November 8, 2002. The City's drainage system is alleged to have caused the flooding on plaintiffs' property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L Wong

Approved as to Form and Legality

Oakland City Attorney's Office

05 OCT -8 PM 1:31

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

JLW:ke

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MONTEREY MECHANICAL CO., ET AL. V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG03103744 IN THE AMOUNT OF \$25,000 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Monterey Mechanical Co., et al. v. City of Oakland, et al., Alameda County Superior Court Case No. RG03103744, City Attorney's File No. 23129, for a sum not to exceed a total amount of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) payable by the City of Oakland.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) be paid to Monterey Mechanical Co., Richard Hamilton and William Barrett, Esq., their attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, and
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California