

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

13 JUL 18 AM 11:55 RESOLUTION NO. 84547 C.M.S.

CEV:ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRUCE THRUPP v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-626587, IN THE AMOUNT OF FIFTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$57,700.00) AS A RESULT OF THE FAILURE OF A CITY STORM DRAIN PIPE ON OR ABOUT JULY 21, 2011 (PUBLIC WORKS AGENCY)

WHEREAS, On or about July 21, 2011, a City owned storm drain pipe located in the public right of way in front of Bruce Thrupp's property at 5745 Cabot Drive in Oakland failed, causing substantial water run-off and soil erosion onto Plaintiff's property; and

WHEREAS, Alameda County Superior Court Case No. RG12-626587 resulted from this incident; and

WHEREAS, It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict; and

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Bruce Thrupp v. City of Oakland, Alameda County Superior Court Case Number RG12-626587, City Attorney's Office File No. 28665, for the sum of Fifty-Seven Thousand Seven Hundred Dollars and No Cents (\$57,700.00); and be it

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 Fifty-Seven Thousand Seven Hundred Dollars and No Cents (\$57,700.00) be payable to Plaintiff Bruce Thrupp and Kevin B. Kevorkian, Esquire, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 30 2013

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRIDGES~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~REP~~, SCHAAF, AND PRESIDENT KERNIGHAN - 6

NOES - 0
ABSENT - Reid - 1
ABSTENTION - 0
Excused - Brooks - 1

ATTEST

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