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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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September 17, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Paul and Gwen Stephens
City Attorney File No. C29622 (Public Works Agency–Sewer Overflow)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Eight Thousand Seven Dollars and Nine Cents (\$8,007.09), payable to Paul and Gwen Stephens.

This action arises out of a May 10, 2013 incident in which the sanitary sewer main backed up and untreated effluent flooded the residence of Paul and Gwen Stephens at 11026 Caloden Street. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on September 17, 2013.

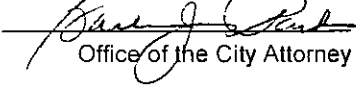
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

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13 SEP -5 PM 3:26


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

BJP

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF PAUL AND GWEN STEPHENS, CITY ATTORNEY'S CLAIM NO. C29622, IN THE AMOUNT OF EIGHT THOUSAND SEVEN DOLLARS AND NINE CENTS (\$8,007.09) (PUBLIC WORKS AGENCY-SEWER OVERFLOW)

WHEREAS, claimant alleges that on **May 10, 2013**, the City's sanitary sewer main backed up and sewage flooded the property located at **11026 Caloden Street**, and

WHEREAS, the claimant filed the above entitled claim seeking payment for said damages, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the claim of Paul and Gwen Stephens, our file C29622, for the sum of **Eight Thousand Seven Dollars and Nine Cents (\$8,007.09)** payable to Paul and Gwen Stephens, 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 **Eight Thousand Seven Dollars and Nine Cents (\$8,007.09)** be made payable to Paul and Gwen Stephens.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California