


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GATEWAY BANK, F.S.B. V. CITY OF OAKLAND AND DOES 1 - 10, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21098594, CITY ATTORNEY'S FILE NO. 33856, IN THE AMOUNT OF THREE HUNDRED-SEVEN THOUSAND AND THREE HUNDRED-SEVENTY DOLLARS AND EIGHT CENTS (\$307,370.08) (DEPARTMENT OF PUBLIC WORKS – FAILED SEWER MAIN)

WHEREAS, Plaintiff alleges that on November 12, 2019, a City sewer main failed, causing a sewage backup into its offices at 360 - 8th Street; and

WHEREAS, the sewage backup allegedly damaged Plaintiff's property, and Plaintiff incurred additional damage for costs associated with clean-up, reconstruction, property replacement, and loss of use; and

WHEREAS, Plaintiff filed a civil action, Superior Court of the State of California, County of Alameda, Case No. RG21098594, against the City of Oakland, alleging a claim for inverse condemnation and dangerous condition on public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Gateway Bank, F.S.B. v. City of Oakland and DOES 1 - 10, inclusive, Alameda County Superior Court Case No. RG21098594, City Attorney's File No. 33856, for the sum of Three Hundred-Seven Thousand and Three Hundred-Seventy Dollars and Eight Cents (\$307,370.08); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California