



13 APR -4 PM 4:07

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Office of the City Attorney
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City Attorney

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April 16, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: State Farm Insurance as subrogee of Michael Foster
City Attorney File No. C29446 (PWA – 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 Seven Thousand Five Hundred Forty Six Dollars and Twenty Two Cents (\$7,546.22), payable to State Farm Insurance as subrogee of Michael Foster.

This action arises out of an October 23, 2012 incident in which the City's sanitary sewer main backed up and untreated effluent flooded the property located at 3000 Lakeshore Avenue. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on Tuesday, April 16, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

Barbara J. Gallo
Office of the City Attorney

OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

BJP:MC

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF STATE FARM INSURANCE AS SUBROGEE OF MICHAEL FOSTER, CITY ATTORNEY'S CLAIM NO. C29446, IN THE AMOUNT OF SEVEN THOUSAND FIVE HUNDRED FORTY SIX DOLLARS AND TWENTY TWO CENTS (\$7,546.22) (PWA – SEWER OVERFLOW)

WHEREAS, on October 23, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 3000 Lakeshore Avenue, and

WHEREAS, the claimant filed the above entitled claim seeking damages 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 matter of State Farm Insurance as subrogee of Michael Foster v. City of Oakland, our file C29446, for the sum of Seven Thousand Five Hundred Forty Six Dollars and Twenty Two Cents (\$7,546.22) payable to State Farm Insurance as subrogee of Michael Foster, 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 Seven Thousand Five Hundred Forty Six Dollars and Twenty Two Cents (\$7,546.22) be made payable to State Farm Insurance as subrogee of Michael Foster.

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