

RECEIVED
OFFICE OF THE CITY CLERK
OAKLAND

12 DEC -6 PM 2:34

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 18, 2012


HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Dan Kitamura
File Number: C29062

President Larry Raid and Members of the City Council

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Forty Thousand Five Hundred Thirty Three Dollars and Sixty-One Cents (\$40,533.61), payable to Dan Kitamura as a result of sewer flood damage to the claimant's home located at 6441 Pinehaven Road. The flooding was caused by tree roots clogging the City's sewer main. This matter was heard in closed session on December 18, 2012. (Public Works Agency)

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Barbara Rose
Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 DEC -6 PM 3:15

Resolution No. _____ C.M.S.

BJP: MC

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF DAN KITAMURA, IN THE AMOUNT OF \$40,533.61, AS A RESULT OF PROPERTY DAMAGE SUSTAINED CAUSED BY AN OBSTRUCTED CITY SEWER MAIN. (Public Works Agency)

WHEREAS, on June 11, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 6441 Pinehaven Road; and

WHEREAS, Dan Kitamura filed a claim to recover damages caused by the June 11th flooding of the property located at 6441 Pinehaven Road; 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 and now,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Dan Kitamura for the sum of Forty Thousand Five Hundred Thirty Three Dollars and Sixty-One Cents (\$40,533.61), payable to Dan Kitamura.

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

FURTHER RESOLVED: That the sum of Forty Thousand Five Hundred Thirty Three Dollars and Sixty-One Cents (\$40,533.61), payable to Dan Kitamura, is approved.

In Council, Oakland, California, _____, 2012 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

Attest: _____
LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA