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CITY OF OAKLAND



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Office of the City Attorney  
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February 7, 2012

**HONORABLE CITY COUNCIL**  
Oakland, California


**Subject: Christopher Burgardt v. City of Oakland, et al.**  
**Alameda County Superior Court No. RG11555191**  
**Our File No. 27427 (PUBLIC WORKS AGENCY – INVERSE**  
**CONDEMNATION)**

President Reid 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 action for the sum of **Twenty-three Thousand Dollars and No Cents (\$23, 00.00)** payable to Plaintiff Christopher Burgardt and the **Law Offices of Geordan Goebel**, his attorneys.

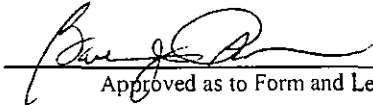
This action arises out of failure of a City sewer main that caused sewage to intrude into and damage Mr. Burgardt's residence at **4459 Elinora Avenue** on August 30, 2009. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was not discussed at closed session.

Respectfully submitted,

  
BARBARA J. PARKER  
Acting City Attorney

Attorney Assigned:  
Arlene M. Rosen

906917

  
Approved as to Form and Legality

12 JAN 25 PM 4: **OAKLAND CITY COUNCIL**

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BURGARDT V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11555191 IN THE AMOUNT OF \$23,000.00 (PUBLIC WORKS AGENCY – INVERSE CONDEMNATION)**

**WHEREAS:** Plaintiff Christopher Burgardt's residence at 4459 Elinora Avenue was damaged by the intrusion of sewage from a malfunctioning City sewer main on August 30, 2009;

**WHEREAS:** The City has determined to compromise and settle Plaintiff Christopher Burgardt's claim against it for the sum of Twenty-three Thousand Dollars and no Cents (\$23,000.00);

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Burgardt v. City of Oakland, Alameda County Superior Court No. RG11555191, City Attorney's File No. 27427 for a sum not to exceed Twenty-three Thousand Dollars and no Cents (\$23,000.00), payable by the City of Oakland.

**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 Twenty-three Thousand Dollars and no Cents (\$23,000.00), be paid to Christopher Burgardt and the Law Offices of Geordan Goebel, his attorneys.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

PASSED BY THE FOLLOWING VOTE:

AYES-  
NOES-  
ABSENT-  
ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
CITY CLERK AND CLERK OF THE  
COUNCIL OF THE CITY OF OAKLAND