

12 JAN -5 PM 4:01

James F. Holyk
Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. 83686 C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BONNIE AYRAULT v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-555472 IN THE AMOUNT OF \$142,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT ON 16th STREET & TELEGRAPH AVENUE. (OFFICE OF PUBLIC WORKS - OPW)

WHEREAS, on January 17, 2009, Plaintiff Bonnie Ayrault fell into a pothole and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

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

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Bonnie Ayrault v. City of Oakland, Alameda County Superior Court Case No. RG11-555472, City Attorney's File No. 27275, for the sum of One Hundred Forty-Two Thousand Dollars and No Cents (\$142,000.00); 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 One Hundred Forty-Two Thousand Dollars and No Cents (\$142,000.00) be payable to Plaintiff Bonnie Ayrault and Richard W. Meier, her attorney.

JAN 17 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID -8
- NOES- 0
- ABSENT- 0
- ABSTENTION- 0

ATTEST: *Latonda Simmons*
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California