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Office of the City Attorney
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November 5, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Christina and Alphonso Acampo
City Attorney's Claim File No. C29342 (Public Works Agency—Tree limb
damaged property)

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 Nine Thousand One Hundred Twenty Three Dollars and Fourteen Cents (\$9,123.14), payable to Christina and Alphonso Acampo.

This action arises out of a June 11, 2012 incident in which a limb from an "official" City tree fell onto the claimants' car parked at 3975 Burkhalter Ave. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on November 5, 2013.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

1234206

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Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

BJP

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF CHRISTINA AND ALPHONSO ACAMPOA, CITY ATTORNEY'S CLAIM NO. C29342, IN THE AMOUNT OF NINE THOUSAND ONE HUNDRED TWENTY THREE DOLLARS AND FOURTEEN CENTS (\$9,123.14) (PUBLIC WORKS AGENCY- TREE LIMB DAMAGED PROPERTY)

WHEREAS, the claimants' alleges that on June 11, 2012, a limb from a City tree fell and damaged their vehicle parked at 3975 Burkhalter, and

WHEREAS, the claimants filed the above entitled claim seeking payment 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 claim of Christina and Alphonso Acampo, City Attorney's claim file no. C29342, for the sum of Nine Thousand One Hundred Twenty Three Dollars and Fourteen Cents (\$9,123.14), payable to Christina and Alphonso Acampo, 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 Nine Thousand One Hundred Twenty Three Dollars and Fourteen Cents (\$9,123.14), be made payable to Christina and Alphonso Acampo.

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