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OAKLAND

21 DEC -9 PM 1:41

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88962 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GATEWAY BANK, F.S.B. V. CITY OF OAKLAND AND DOES 1 - 10, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21098594, CITY ATTORNEY'S FILE NO. 33856, IN THE AMOUNT OF THREE HUNDRED-SEVEN THOUSAND AND THREE HUNDRED-SEVENTY DOLLARS AND EIGHT CENTS (\$307,370.08) (DEPARTMENT OF PUBLIC WORKS - FAILED SEWER MAIN)

WHEREAS, Plaintiff alleges that on November 12, 2019, a City sewer main failed, causing a sewage backup into its offices at 360 - 8th Street; and

WHEREAS, the sewage backup allegedly damaged Plaintiff's property, and Plaintiff incurred additional damage for costs associated with clean-up, reconstruction, property replacement, and loss of use; and

WHEREAS, Plaintiff filed a civil action, Superior Court of the State of California, County of Alameda, Case No. RG21098594, against the City of Oakland, alleging a claim for inverse condemnation and dangerous condition on public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Gateway Bank, F.S.B. v. City of Oakland and DOES 1 - 10, inclusive, Alameda County Superior Court Case No. RG21098594, City Attorney's File No. 33856, for the sum of Three Hundred-Seven Thousand and Three Hundred-Seven Dollars and Eight Cents (\$307,370.08); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 21 2021

PASSED BY THE FOLLOWING VOTE:

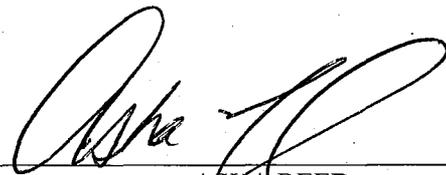
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT
FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California