

[Signature]
City Attorney's Office

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OFFICE OF THE CITY CLERK
OAKLAND

19 FEB 27 AM 11: 04

OAKLAND CITY COUNCIL

RESOLUTION NO. 87534 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF: KATHLEEN FERRY V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18892166 IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00) ARISING FROM A LANDSLIDE INCIDENT ON AT 2061 MANZANITA DRIVE.

WHEREAS, a small landslide occurred on the property of Kathleen Ferry on February 7, 2017; and

WHEREAS, the landslide was allegedly caused by the inadequate maintenance and design of a City storm water conduit; and

WHEREAS, Alameda County Superior Court Case No. RG18892166 was filed against the City of Oakland alleging inverse condemnation and tort claims; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Kathleen Ferry's claim against it for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Kathleen Ferry v. City of Oakland, et al., Alameda County Superior Court No. RG18892166 for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAR 21 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~BRONKHORST~~, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McEnany

ATTEST: *[Signature]*
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of Oakland, California