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CITY OF OAKLAND



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March 1, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Philip Raskin DBA Barlago Italian Kitchen
City Attorney File # C30768
(Public Works – Failed Sewer Main)

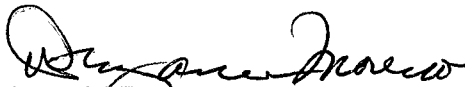
President Gibson McElhaney and Members of the City Council

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 Twelve Thousand Dollars and 00/100 Cents (\$12,000.00), made payable to Philip Raskin.

This action arises out of an August 11, 2015 and August 15, 2015 incidents in which Mr. Raskin claims clean up expenses, loss of perishable food, and lost revenue as a result of a main sewer back-up.

The Council authorized settlement of this case in Closed Session on Tuesday, February 16, 2016 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 8 Ayes).

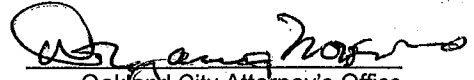
Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
David Pereda

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Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF PHILIP RASKIN, IN THE AMOUNT OF TWELVE THOUSAND DOLLARS AND 00/100 CENTS (\$12,000.00) AS THE RESULT OF A FAILED SEWER MAIN ON AUGUST 11, 2015 AND AUGUST 15, 2015 (PUBLIC WORKS – FAILED SEWER MAIN)

WHEREAS, claimant alleges that on August 11, 2015 and August 15, 2015, he sustained damages as a result of a failed sewer main; and

WHEREAS, the claimant 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 Philip Raskin, our file number C30768, in the amount of Twelve Thousand Dollars and 00/100 Cents (\$12,000.00); 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; and be it

FURTHER RESOLVED: That the sum of Twelve Thousand Dollars and 00/100 Cents (\$12,000.00), be made payable to Philip Raskin.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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