

12 JAN -5 PM 4:00

CITY OF OAKLAND



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January 17, 2012


HONORABLE CITY COUNCIL
Oakland, California


President Larry Reid and Members of the City Council

Subject: Resolution Authorizing Settlement of
Claim of Oakland Unified School District
File Number: C28422

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Eighty Nine Thousand Dollars and 00/100 Dollars (\$89,000.00), payable to Oakland Unified School District, as a result of a sewage back-up into the child development center at 1975 – 40th Avenue on November 11, 2010. This was not a closed session item.

Respectfully submitted,


BARBARA J. PARKER
City Attorney


Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

BJP: Yamamura, Edie

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF OAKLAND UNIFIED SCHOOL DISTRICT IN THE AMOUNT OF \$89,000.00, AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO A SEWER BACK UP & SPILL ON NOVEMBER 11, 2010 (PUBLIC WORKS - MAINTENANCE SERVICES)

WHEREAS, on November 11, 2010, it is alleged that the City's sanitary sewer main backed up and sewage flooded the property located at 1975 40th Avenue, Oakland, CA.

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 and now,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Oakland Unified School District, our file number C28422, for the sum of Eighty Nine Thousand Dollars and 00/100 Dollars (\$89,000.00), payable to Oakland Unified School District.

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 Eighty Nine Thousand Dollars and 00/100 Dollars (\$89,000.00), be paid to Oakland Unified School District.

In Council, Oakland, California, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER AND
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA