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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 86081 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE REMAINDER OF ST. JOHN'S EPISCOPAL CHURCH'S CLAIM AND CHURCH INSURANCE COMPANY'S CLAIM AGAINST THE CITY OF OAKLAND, CITY ATTORNEY'S FILE NO. 30323, IN THE AMOUNT OF SEVEN HUNDRED SEVENTY-ONE THOUSAND NINE HUNDRED THIRTY-THREE DOLLARS AND SEVENTY CENTS (\$771,933.70) (OAKLAND PUBLIC WORKS—SEWER)

WHEREAS, St. John's Episcopal Church alleges that it incurred damages as a result of a City sewer; and

WHEREAS, St. John's Episcopal Church has presented a claim against the City and Church Insurance Company presented a subrogation claim against the City related to the same incident; and

WHEREAS, without admitting fault or wrongdoing, the City has previously determined to compromise and settle part of St. John's claim against it for the sum of Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30) payable by the City of Oakland; now, therefore, be it

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle the remainder of St. John's claim against it, and Church Insurance Company's claim against the City, for the total sum of Seven Hundred Seventy-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the remainder of St. John's claim, City Attorney's File No. 30323, for a sum not to exceed Seven Hundred Twenty-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70); and be it

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

FURTHER RESOLVED: That the sum of Seven Hundred Twenty-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70) be paid to St. John's Episcopal Church (\$696,933.70) and to Church Insurance Company (\$75,000).

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 01 2016

PASSED BY THE FOLLOWING VOTE:

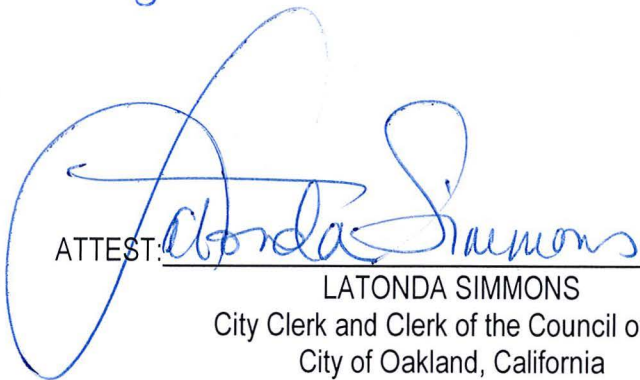
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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