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CITY OF OAKLAND



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City Attorney

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July 30, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Mesfin Tekie
City Attorney File # C30586
(Oakland Public Works – Sewer)**

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 Forty-Nine Thousand Dollars and No Cents (\$49,000.00), made payable to Mesfin Tekie.

This action arises out of an April 2, 2015 incident in which the City's sewer main was blocked causing raw sewage to flood the lower-level of claimant's home resulting in property damages. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, July 21, 2015 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 6 Ayes, 2 Absent – Brooks and Campbell-Washington).

Respectfully submitted,

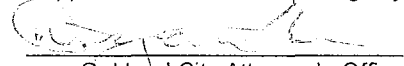
A handwritten signature in blue ink, which appears to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
James F. Hodgkins

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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 MESFIN TEKIE, IN THE AMOUNT OF FORTY-NINE THOUSAND DOLLARS AND NO CENTS (\$49,000.00) WHICH RESULTED IN PROPERTY DAMAGE DUE TO A FAILED SEWER MAIN ON APRIL 2, 2015 (OAKLAND PUBLIC WORKS - SEWER)

WHEREAS, claimant allege that on April 2, 2015, the City's sewer main became blocked, causing raw sewage to flood the lower-level of his home resulting in property damages; 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 Mesfin Tekie, our file number C30586, in the amount of Forty-Nine Thousand Dollars and No Cents (\$49,000.00); 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 Forty-Nine Thousand Dollars and No Cents (\$49,000.00), be made payable to Mesfin Tekie.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, 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