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CITY OF OAKLAND



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Office of the City Attorney  
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City Attorney

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January 17, 2017

**HONORABLE CITY COUNCIL**

Oakland, California

**Subject: Philadelphia Indemnity Insurance Co. v. City of Oakland  
Alameda County Superior Court No. RG15768353  
City Attorney File No. 29681  
(Public Works – Inverse condemnation)**

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 the resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Hundred Sixty-Two Thousand Dollars (\$162,000.00), to be paid to the "Cozen O'Connor, Trustee for Philadelphia Indemnity Insurance Company".

This matter arises from a sewer overflow on November 30, 2012 at 4335 and 4331 Virginia Street. Sewage entered the church and residence at these locations and allegedly caused extensive damage.

The Council authorized settlement of this case in Closed Session on Tuesday, December 13, 2016 (moved by Councilmember Desley Brooks and seconded by Councilmember Rebecca Kaplan – 7 Ayes, 1 Absent - Councilmember Noel Gallo).

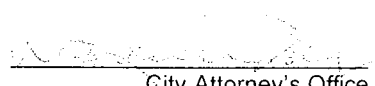
Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Barbara J. Parker for".

BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Colin Bowen

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\_\_\_\_\_  
City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *PHILADELPHIA INDEMNITY INSURANCE CO. V. CITY OF OAKLAND*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15768353, CITY ATTORNEY'S FILE NO. 29681, IN THE AMOUNT OF ONE HUNDRED SIXTY-TWO THOUSAND DOLLARS AND ZERO CENTS (\$162,000.00) (PUBLIC WORKS - INVERSE CONDEMNATION)**

**WHEREAS**, Plaintiff Philadelphia Indemnity Insurance Co. alleges that it sustained monetary damages as a result of a sanitary sewer overflow on November 30, 2012; and

**WHEREAS**, Plaintiff filed the above-referenced action to recover monetary damages; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of One Hundred Sixty-Two Thousand Dollars and No Cents (\$162,000.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Philadelphia Indemnity Insurance Co. v. City of Oakland*, Alameda County Superior Court Case No. RG15768353, City Attorney's File No. 29681, for a sum not to exceed One Hundred Sixty-Two Thousand Dollars and No Cents (\$162,000.00) payable by the City of Oakland; and be it

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

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