



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 CITY OF OAKLAND V. NERINE CHEREPY, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18896713 FOR PAYMENT TO THE CITY OF OAKLAND IN THE AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$450,000.00) ARISING FROM DAMAGE TO CAVENDISH ROAD IN APPROXIMATELY FEBRUARY 2017 CAUSED BY A HOMEOWNER AND HER CONTRACTORS.

WHEREAS, a retaining wall and street surface of Cavendish Lane were damaged in approximately February 2017 due to earth movement performed by the homeowner at 1835 Trestle Glen Avenue and her contractors; and

WHEREAS, the City of Oakland has incurred costs to respond to the road failure and subsequently to repair it; and

WHEREAS, Alameda County Superior Court Case No. RG18896713 was filed by the City of Oakland against the homeowner and her contractors, alleging claims for negligence and nuisance; now, therefore, be it

RESOLVED: That the City of Oakland has determined to compromise its claims against the homeowner and her contractors for the sum of Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California