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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

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September 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Ezio Maiolini
City Attorney File # C30682
(Public Works– Sewers)**

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 Eight Thousand Seven Hundred Seventy Five Dollars and 70/100 Cents (\$8,775.70), made payable to Ezio Maiolini.

This action arises out of a March 6, 2015 incident in which Mr. Maiolini claims that the City's sewer caused property damage at Mr. Maiolini's home.

The Council authorized settlement of this case in Closed Session on Tuesday, September 8, 2015 (moved by Councilmember Abel Guillén and seconded by Councilmember Rebecca Kaplan – 5 Ayes, 3 Absent, Councilmembers Brooks, Gallo and Reid).

Respectfully submitted,

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

BARBARA J. PARKER

City Attorney

Attorney Assigned:
David Perada

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Approved as to Form and Legality

Sabrina J. Stuber
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 EZIO MAIOLINI, IN THE AMOUNT OF EIGHT THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS AND 70/100 CENTS (\$8,775.70) (PUBLIC WORKS—SEWER MAIN)

WHEREAS, claimant alleges that on March 6, 2015, the City's sewer main caused property damage at the claimant's home; 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 Ezio Maiolini, our file number C30682, in the amount of Eight Thousand Seven Hundred Seventy Five Dollars and 70/100 Cents (\$8,775.70); 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 Eight Thousand Seven Hundred Seventy Five Dollars and 70/100 Cents (\$8,775.70), be made payable to Ezio Maiolini.

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