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CITY OF OAKLAND



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May 19, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Christopher Beischel and Elizabeth Jameyson
City Attorney File No. C30257
(Oakland Public Works Agency – Sewer Flood Loss)

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 Twenty-Five Thousand Seventy-Eight Dollars and Twenty-Six Cents (\$25,078.26), made payable to Christopher Beischel and Elizabeth Jameyson.

This action arises out of an incident on April 17, 2014 in which sewage flowed into claimants' property at 4285 Whittle Avenue. The flooding was caused by a failed City sewer main. Settlement of this matter is recommended to avoid the risk of litigation.

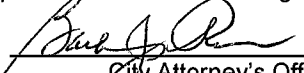
The Council authorized settlement of this case in Closed Session on Tuesday, May 5, 2015 (moved by Councilmember Campbell-Washington and seconded by Councilmember Kaplan - 6 Ayes, 2 Absent – Councilmembers Kalb and Reid).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker'.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
James F. Hodgkins


City Attorney's Office

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Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF CHRISTOPHER BEISCHEL AND ELIZABETH JAMEYSON (CLAIM NO. C30257) IN THE AMOUNT OF TWENTY FIVE THOUSAND SEVENTY EIGHT DOLLARS AND TWENTY SIX CENTS (\$25,078.26), AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO A SEWER FLOOD CAUSED BY A FAILED CITY SEWER MAIN ON APRIL 17, 2014 (PUBLIC WORKS AGENCY – DANGEROUS CONDITION/SEWERS)

WHEREAS, claimants allege that on April 17, 2014, a City sewer main failed and caused flooding to their property at 4285 Whittle Avenue, and

WHEREAS, the claimants 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 Christopher Beischel and Elizabeth Jameyson, our file number C30257, in the amount of Twenty-Five Thousand Seventy-Eight Dollars and Twenty-Six Cents (\$25,078.26) 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 Twenty-Five Thousand Seventy- Eight Dollars and Twenty-Six Cents (\$25,078.26), be made payable to Christopher Beischel and Elizabeth Jameyson.

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