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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

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

July 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Amy Marks
City Attorney File # C29350-Public Works

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 Ten Thousand Dollars and No Cents (\$10,000.00), made payable to Amy Marks.

This action arises out of a December 5, 2012 incident in which the City's sewer main was blocked causing raw sewage to flood the claimant's basement 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, June 30, 2015 (moved by Councilmember Dan Kalb and seconded by Councilmember Larry Reid – 6 Ayes, 2 Absent)

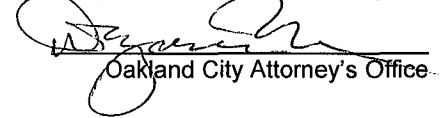
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
James F. Hodgkins

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Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF AMY MARKS, IN THE AMOUNT OF TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00) WHICH RESULTED IN PROPERTY DAMAGE DUE TO A FAILED SEWER MAIN ON DECEMBER 5, 2012 (PUBLIC WORKS - FAILED SEWER MAIN)

WHEREAS, claimants allege that on December 5, 2012, the City's sewer main became blocked, causing raw sewage to flood her basement 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 Amy Marks, our file number C29350, in the amount of Ten Thousand Dollars and No Cents (\$10,000.00); 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 Ten Thousand Dollars and No Cents (\$10,000.00), be made payable to Amy Marks.

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