  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

15 MAY 21 PM 3:40

# OAKLAND CITY COUNCIL

Resolution No: 85621 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF ELLEN REIER (CLAIM NO. C30485) IN THE FINAL TOTAL SETTLEMENT AMOUNT OF ONE HUNDRED NINETY TWO THOUSAND SIX HUNDRED FIFTY FIVE DOLLARS AND SIXTEEN CENTS (\$192,655.16) WHICH RESULTED FROM PROPERTY DAMAGE DUE TO A FAILED CITY SEWER MAIN ON FEBRUARY 18, 2015 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/SEWERS)**

**WHEREAS**, claimant has alleged that on February 18, 2015, a City sewer main failed and caused sewage flooding and damage to her property at 1200 West View Drive, and filed the above-entitled action seeking payment for said damages; and

**WHEREAS**, on April 21, 2015, per Resolution No. 85507 C.M.S., the City Council authorized a partial settlement to Ellen Reier in the amount of Fifty Nine Thousand Three Hundred Seventy Nine Dollars and One Cent (\$59,379.01) to cover reimbursement for sewage and damage remediation, furniture restoration, post-restoration air sampling and payments for rent going forward, as needed, for up to one year to be paid on a monthly basis at \$2,400.00 per month; and that the City Administrator be reimbursed Thirteen Thousand Two Hundred Dollars and No Cents (\$13,200.00) for temporary housing costs to date for Ellen Reier; and

**WHEREAS**, the City of Oakland has determined that final settlement in this matter to cover claimant's additional costs, 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 Ellen Reier, (Claim No. C30485), in a final total settlement amount of One Hundred Ninety Two Thousand Six Hundred Fifty Five Dollars and Sixteen Cents (\$192,655.16), inclusive of the partial settlement amount previously authorized by Resolution No. 85507 C.M.S., of Fifty Nine Thousand Three Hundred Seventy Nine Dollars And One Cent (\$59,379.01); 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 One Hundred Seventy Nine Thousand Four Hundred Fifty Five Dollars and Sixteen Cents (\$179,455.16), be made payable to Ellen Reier; and the sum of Thirteen Thousand Two Hundred Dollars and No Cents (\$13,200.00) be paid to City of Oakland to reimburse City of Oakland Sewer Fund (3100), Account #48412 for housing costs to relocate claimant immediately following the sewer damage;

IN COUNCIL, OAKLAND, CALIFORNIA

**JUN 02 2015**

**PASSED BY THE FOLLOWING VOTE:**

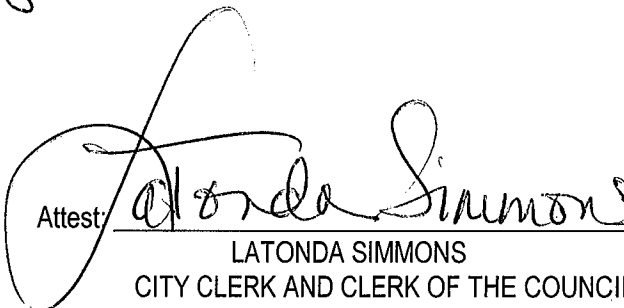
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY **-8**

NOES- **Ø**

ABSENT- **Ø**

ABSTENTION- **Ø**

Attest



LATONDA SIMMONS  
CITY CLERK AND CLERK OF THE COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA