

*Francine Powers*  
City Attorney's Office

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OAKLAND

16 NOV 17 PM 3:11

# OAKLAND CITY COUNCIL

Resolution No. 86477 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *FRANCES MITCHELL V. CITY OF OAKLAND*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15776510, CITY ATTORNEY'S FILE NO. 30551, IN THE AMOUNT OF THIRTY-NINE THOUSAND THREE HUNDRED AND SEVENTY FIVE DOLLARS AND ZERO CENTS (\$39,375.00) (OAKLAND PUBLIC WORKS – DANGEROUS CONDITION)**

**WHEREAS**, Plaintiff Frances Mitchell alleges that she sustained injuries resulting from a trip and fall over a crack/missing portion of sidewalk near the corner of Peralta and 13<sup>th</sup> Streets on October 16, 2014; and

**WHEREAS**, Plaintiff filed the above-referenced action to recover monetary damages; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of Thirty-Nine Thousand Three Hundred and Seventy-Five Dollars and No Cents (\$39,375.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Frances Mitchell v. City of Oakland, et al.* Alameda County Superior Court Case No. RG15776510, City Attorney's File No. 30551, for a sum not to exceed Thirty-Nine Thousand Three Hundred and Seventy-Five Dollars and No Cents (\$39,375.00) payable by the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,  
PASSED BY THE FOLLOWING VOTE:

NOV 29 2016

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: *Latonda Simmons*

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the City of  
Oakland, California